

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 116

(Delegate Hubbard, *et al.*)

Health and Government Operations

Finance

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Mental Hygiene - Emergency Evaluation Petitions - Licensed Clinical Marriage  
and Family Therapists

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This bill adds licensed clinical marriage and family therapists to the list of professionals authorized to diagnose a mental disorder for purposes of an emergency evaluation of an individual.

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Fiscal Summary

**State Effect:** This bill would not directly affect governmental finances since it revises scope of practice.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** An emergency evaluation petition is a legal process that enables the petitioner to have a person who is suffering from mental illness or is in serious mental crisis taken into custody and examined by a medical professional in a designated emergency facility. A petition for an emergency evaluation of an individual may be made by the following persons: • clinical nurse specialists in psychiatric and mental health nursing; • psychiatric nurse practitioners; • physicians; • psychologists; • clinical social workers; • licensed clinical professional counselors; • health officers; • designees of health officers who examined the individual; • “peace officers” who have observed the individual; or • any other interested person.

If the petitioner is not one of the specified professionals noted above but is an interested person, the petitioner has to present the petition to a district or circuit court for immediate review.

**Background:** Licensed clinical marriage and family therapists are regulated by the State Board of Professional Counselors and Therapists. There were 160 licensed clinical marriage and family therapists regulated by the board in 2007.

To qualify as a licensed clinical marriage and family therapist, an individual has to • hold either a master's or a doctoral degree in a marriage and family field, with instruction in several specified specialized areas; • have completed at least 60 graduate credit hours in other specified areas of instruction; • have completed at least two years and 2,000 hours of supervised experience after award of the degree, as well as two years of supervised *clinical* experience; and • pass an examination in marital and family therapy.

Qualification standards for licensed clinical marriage and family therapists are similar to those for licensed clinical alcohol and drug counselors and licensed clinical professional counselors – all of whom are authorized to diagnose and treat mental and emotional health disorders and engage in psychotherapy under the Professional Counselors and Therapists Act. Chapter 49 of 2002 added licensed clinical professional counselors to the list of health professionals authorized to diagnose a mental disorder for purposes of an emergency evaluation of an individual, but did not include the other two types of licensed clinical counselors.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 258, was introduced in 2003 and heard by the House Health and Government Operations Committee but no further action was taken. Its cross file, SB 239 received an unfavorable report by the Senate Education, Health, and Environmental Affairs Committee.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2008  
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