

HOUSE BILL 1207

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2lr2355
CF 2lr3267

By: **Delegates Pendergrass, Hammen, Carr, K. Kelly, McHale, Pena–Melnyk,
and B. Robinson**

Introduced and read first time: February 10, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Professional Counselors and Therapists – Licensure of**
3 **Clinical Professional Art Therapists**

4 FOR the purpose of altering the membership of the State Board of Professional
5 Counselors and Therapists to include two members who are licensed as clinical
6 professional art therapists; requiring certain individuals to be licensed by the
7 Board as clinical professional art therapists before performing certain work in
8 the State; establishing certain education and experience requirements to qualify
9 for a license to practice clinical professional art therapy; requiring the Board to
10 waive certain requirements under certain circumstances; providing that a
11 license authorizes certain individuals to practice clinical professional art
12 therapy while a license is effective; authorizing the Board to adopt certain
13 regulations allowing certain individuals to practice as licensed graduate
14 professional art therapists under certain supervision; establishing certain
15 requirements to qualify for a license to practice as a licensed graduate
16 professional art therapist; authorizing certain individuals to practice graduate
17 professional art therapy under certain supervision for a certain period of time;
18 prohibiting a licensee from surrendering a license under certain circumstances;
19 authorizing the Board to deny a license to an applicant, reprimand a licensee,
20 place a licensee on probation, or suspend or revoke a license under certain
21 circumstances; authorizing the State or the Board to maintain a certain action
22 to enjoin certain unauthorized practice or certain conduct; providing that
23 certain action is in addition to and not instead of certain prosecution;
24 authorizing certain committees or certain associations to be a counselor or
25 therapist rehabilitation committee; providing that a counselor and therapist
26 rehabilitation committee evaluates and provides assistance to certain
27 professional art therapists under certain circumstances; prohibiting certain
28 individuals from engaging in certain actions or making certain representations
29 in the State or using certain titles unless licensed by the Board; providing for
30 the appointment of certain members of the Board; requiring certain vacancies

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 on the Board to remain unfilled in accordance with provisions of this Act
2 altering the membership of the Board; and generally relating to the
3 establishment of a license for clinical professional art therapy and the State
4 Board of Professional Counselors and Therapists.

5 BY repealing and reenacting, with amendments,
6 Article – Health Occupations
7 Section 17–101, 17–202, 17–301, 17–308, 17–309, 17–508, 17–509, 17–513,
8 17–515, 17–601, and 17–602
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2011 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Health Occupations
13 Section 17–103 and 17–201
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

16 BY adding to
17 Article – Health Occupations
18 Section 17–304.1, 17–304.2, and 17–307.1
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Health Occupations**

24 17–101.

25 (a) In this title the following words have the meanings indicated.

26 (b) “Alcohol and drug counseling” means assisting an individual, family, or
27 group through the client–counselor relationship:

28 (1) To develop understanding of intrapersonal and interpersonal
29 substance abuse problems;

30 (2) To define goals relating to substance abuse;

31 (3) To make decisions relating to substance abuse;

32 (4) To plan a course of action reflecting the needs, interests, and
33 abilities of the individual, family, or group relating to substance abuse; and

1 (5) To use informational and community substance abuse resources
2 relating to personal, social, emotional, educational, and vocational development and
3 adjustment.

4 (c) (1) “Appraisal” means:

5 (i) Selecting, administering, scoring, and interpreting
6 instruments designed to assess an individual’s aptitudes, attitudes, abilities,
7 achievements, interests, and personal characteristics; and

8 (ii) Using nonstandardized methods and techniques for
9 understanding human behavior in relation to coping with, adapting to, or changing life
10 situations.

11 (2) “Appraisal” does not include instruments which require specialized
12 psychological training for administration and interpretation unless the licensed
13 counselor or therapist has completed the training required under § 17–310 of this title.

14 **(D) “ART THERAPY” MEANS THE INTEGRATED USE OF**
15 **PSYCHOTHERAPEUTIC PRINCIPLES, ART MEDIA, AND THE CREATIVE PROCESS**
16 **TO ASSIST INDIVIDUALS, FAMILIES, OR GROUPS IN:**

17 **(1) INCREASING AWARENESS OF SELF AND OTHERS;**

18 **(2) COPING WITH SYMPTOMS, STRESS, AND TRAUMATIC**
19 **EXPERIENCES;**

20 **(3) ENHANCING COGNITIVE ABILITIES; AND**

21 **(4) IDENTIFYING AND ASSESSING CLIENTS’ NEEDS IN ORDER TO**
22 **IMPLEMENT THERAPEUTIC INTERVENTION TO MEET DEVELOPMENTAL,**
23 **BEHAVIORAL, MENTAL, AND EMOTIONAL NEEDS.**

24 **[(d)] (E)** “Board” means the State Board of Professional Counselors and
25 Therapists.

26 **[(e)] (F)** “Certificate” means a certificate issued by the Board to practice
27 professional counseling.

28 **[(f)] (G)** “Certified professional counselor” means a professional counselor
29 who is certified by the Board.

30 **[(g)] (H)** “Certified professional counselor–marriage and family therapist”
31 means an individual who is certified by the Board to practice marriage and family
32 therapy in the State.

1 **[(h)] (I)** (1) “Certified supervised counselor—alcohol and drug” means an
2 individual who is certified by the Board to practice alcohol and drug counseling in the
3 State pursuant to the limitations in § 17–404 of this title.

4 (2) “Certified associate counselor—alcohol and drug” means an
5 individual who is certified by the Board to practice alcohol and drug counseling in the
6 State pursuant to the limitations in § 17–403 of this title.

7 (3) “Certified professional counselor—alcohol and drug” means an
8 individual who is certified by the Board to practice alcohol and drug counseling in the
9 State.

10 **[(i)] (J)** “Counseling” means assisting an individual, family, or group
11 through the client—counselor relationship:

12 (1) To develop understanding of intrapersonal and interpersonal
13 problems;

14 (2) To define goals;

15 (3) To make decisions;

16 (4) To plan a course of action reflecting the needs, interests, and
17 abilities of the individual, family, or group; and

18 (5) To use informational and community resources, as these
19 procedures are related to personal, social, emotional, educational, and vocational
20 development and adjustment.

21 **[(j)] (K)** “Fund” means the State Board of Professional Counselors and
22 Therapists Fund.

23 **[(k)] (L)** “License” means, unless the context requires otherwise, one of six
24 types of licenses issued by the Board authorizing an individual to practice:

25 (1) Clinical alcohol and drug counseling;

26 (2) Clinical marriage and family therapy;

27 **(3) CLINICAL PROFESSIONAL ART THERAPY;**

28 **[(3)] (4)** Clinical professional counseling;

29 **[(4)] (5)** Graduate alcohol and drug counseling;

1 ~~[(5)] (6)~~ Graduate marriage and family therapy; ~~[or]~~

2 **(7) GRADUATE PROFESSIONAL ART THERAPY; OR**

3 ~~[(6)] (8)~~ Graduate professional counseling.

4 ~~[(l)] (M)~~ “Licensed graduate alcohol and drug counselor” means an
5 individual approved by the Board to practice graduate alcohol and drug counseling.

6 ~~[(m)] (N)~~ “Licensed graduate marriage and family therapist” means an
7 individual approved by the Board to practice graduate marriage and family therapy.

8 **(O) “LICENSED GRADUATE PROFESSIONAL ART THERAPIST” MEANS AN**
9 **INDIVIDUAL APPROVED BY THE BOARD TO PRACTICE GRADUATE**
10 **PROFESSIONAL ART THERAPY.**

11 ~~[(n)] (P)~~ “Licensed graduate professional counselor” means an individual
12 approved by the Board to practice graduate professional counseling.

13 ~~[(o)] (Q)~~ “Marriage and family therapy” means applying marriage and
14 family systems theory, principles, methods, therapeutic techniques, and research in:

15 (1) Resolving emotional conflict and modifying perception and
16 behavior in the context of marriage and family life; and

17 (2) The identification and assessment of client needs and the
18 implementation of therapeutic intervention.

19 ~~[(p)] (R)~~ “Practice alcohol and drug counseling” means to engage
20 professionally and for compensation in alcohol and drug counseling activities while
21 representing oneself to be a certified professional counselor–alcohol and drug, a
22 certified supervised counselor–alcohol and drug, or a certified associate counselor–
23 alcohol and drug.

24 ~~[(q)] (S)~~ “Practice clinical alcohol and drug counseling” means to engage
25 professionally and for compensation in alcohol and drug counseling and appraisal
26 activities by providing services involving the application of counseling principles and
27 methods in the diagnosis, prevention, treatment, and amelioration of psychological
28 problems and emotional or mental conditions of individuals or groups.

29 ~~[(r)] (T)~~ “Practice clinical marriage and family therapy” means to engage
30 professionally and for compensation in marriage and family therapy and appraisal
31 activities by providing services involving the application of therapy principles and
32 methods in the diagnosis, prevention, treatment, and amelioration of psychological
33 problems and emotional or mental conditions of individuals or groups.

1 **(U) “PRACTICE CLINICAL PROFESSIONAL ART THERAPY” MEANS TO**
2 **ENGAGE PROFESSIONALLY AND FOR COMPENSATION IN ART THERAPY AND**
3 **APPRAISAL ACTIVITIES BY PROVIDING SERVICES INVOLVING THE APPLICATION**
4 **OF ART THERAPY PRINCIPLES AND METHODS IN THE DIAGNOSIS, PREVENTION,**
5 **TREATMENT, AND AMELIORATION OF PSYCHOLOGICAL PROBLEMS AND**
6 **EMOTIONAL OR MENTAL CONDITIONS OF INDIVIDUALS OR GROUPS.**

7 **[(s)] (V)** “Practice clinical professional counseling” means to engage
8 professionally and for compensation in counseling and appraisal activities by
9 providing services involving the application of counseling principles and methods in
10 the diagnosis, prevention, treatment, and amelioration of psychological problems and
11 emotional or mental conditions of individuals or groups.

12 **[(t)] (W)** “Practice graduate alcohol and drug counseling” means to practice
13 clinical alcohol and drug counseling:

14 (1) Under the supervision of a licensed clinical alcohol and drug
15 counselor or another health care provider licensed under this article, as approved by
16 the Board; and

17 (2) While fulfilling the requirements for supervised experience under §
18 17–302 of this title.

19 **[(u)] (X)** “Practice graduate marriage and family therapy” means to practice
20 clinical marriage and family therapy:

21 (1) Under the supervision of a licensed clinical marriage and family
22 therapist or another health care provider licensed under this article, as approved by
23 the Board; and

24 (2) While fulfilling the requirements for supervised experience under §
25 17–303 of this title.

26 **(Y) “PRACTICE GRADUATE PROFESSIONAL ART THERAPY” MEANS TO**
27 **PRACTICE CLINICAL PROFESSIONAL ART THERAPY:**

28 **(1) UNDER THE SUPERVISION OF A LICENSED CLINICAL**
29 **PROFESSIONAL ART THERAPIST OR ANOTHER HEALTH CARE PROVIDER**
30 **LICENSED UNDER THIS ARTICLE, AS APPROVED BY THE BOARD; AND**

31 **(2) WHILE FULFILLING THE REQUIREMENTS FOR SUPERVISED**
32 **EXPERIENCE UNDER § 17–304.1 OF THIS TITLE.**

33 **[(v)] (Z)** “Practice graduate professional counseling” means to practice
34 clinical professional counseling:

1 (1) Under the supervision of a licensed clinical professional counselor
2 or another health care provider licensed under this article, as approved by the Board;
3 and

4 (2) While fulfilling the requirements for supervised experience under §
5 17-304 of this title.

6 [(w)] (AA) “Practice marriage and family therapy” means to engage
7 professionally and for compensation in marriage and family therapy activities while
8 representing oneself to be a certified professional counselor–marriage and family
9 therapist.

10 [(x)] (BB) “Practice professional counseling” means to engage professionally
11 and for compensation in counseling and appraisal activities while representing oneself
12 to be a certified professional counselor.

13 17-103.

14 This title does not limit the right of an individual to practice a health occupation
15 that the individual is authorized to practice under this article.

16 17-201.

17 There is a State Board of Professional Counselors and Therapists.

18 17-202.

19 (a) (1) The Board consists of [13] **11** members appointed by the Governor
20 with the advice of the Secretary.

21 (2) Of the [13] **11** Board members:

22 (i) [Five] **THREE** shall be licensed as clinical professional
23 counselors;

24 (ii) [Three] **TWO** shall be licensed as clinical marriage and
25 family therapists;

26 (iii) [Three] **TWO** shall be licensed as clinical alcohol and drug
27 counselors; [and]

28 (IV) **TWO SHALL BE LICENSED AS CLINICAL PROFESSIONAL**
29 **ART THERAPISTS; AND**

30 [(iv)] (V) Two shall be consumer members.

1 (3) The composition of the Board as to the race and sex of its members
2 shall reflect the composition of the population of the State.

3 (4) The Governor shall appoint the counselors and therapists from a
4 list submitted to the Governor by the Secretary. Any association representing
5 professional counselors, marriage and family therapists, [or] alcohol and drug
6 counselors, **OR PROFESSIONAL ART THERAPISTS** may submit recommendations for
7 Board members to the Secretary.

8 (b) The consumer members of the Board:

9 (1) Shall be members of the general public;

10 (2) May not be or ever have been certified or licensed as a counselor or
11 therapist or in training to become certified or licensed as a counselor or therapist;

12 (3) May not have a household member who is certified or licensed as a
13 counselor or therapist or in training to become certified or licensed as a counselor or
14 therapist;

15 (4) May not participate or ever have participated in a commercial or
16 professional field related to professional counseling, marriage and family therapy, [or]
17 alcohol and drug counseling, **OR PROFESSIONAL ART THERAPY**;

18 (5) May not have a household member who participates in a
19 commercial or professional field related to professional counseling, marriage and
20 family therapy, [or] alcohol and drug counseling, **OR PROFESSIONAL ART THERAPY**;

21 (6) May not have had within 2 years before appointment a substantial
22 financial interest in a person regulated by the Board; and

23 (7) While members of the Board, may not have a substantial financial
24 interest in a person regulated by the Board.

25 (c) Before taking office, each appointee to the Board shall take the oath
26 required by Article I, § 9 of the Maryland Constitution.

27 (d) (1) The term of a member is 4 years.

28 (2) The terms of the members of the Board are staggered as required
29 by the terms of the members of the Board serving on July 1, 1988.

30 (3) At the end of a term, a member continues to serve until a successor
31 is appointed and qualifies.

32 (4) A member may not serve more than 2 consecutive full terms.

1 (5) To the extent practicable, the Governor shall fill any vacancy on
2 the Board within 60 days of the date of the vacancy.

3 (e) (1) The Governor may remove a member for incompetency,
4 misconduct, or neglect of duty.

5 (2) Upon the recommendation of the Secretary, the Governor may
6 remove a member whom the Secretary finds to have been absent from 2 successive
7 Board meetings without adequate reason.

8 17-301.

9 (a) **(1)** Except as otherwise provided in subsection (b) of this section, an
10 individual may not practice, attempt to practice, or offer to practice clinical alcohol and
11 drug counseling, clinical marriage and family therapy, or clinical professional
12 counseling in the State unless licensed by the Board.

13 **(2) ON OR BEFORE OCTOBER 1, 2014, AN INDIVIDUAL SHALL BE**
14 **LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE CLINICAL**
15 **PROFESSIONAL ART THERAPY IN THE STATE.**

16 (b) Subject to the regulations of the Board, subsection (a) of this section does
17 not apply to:

18 (1) A student working under the supervision of a licensed mental
19 health care provider while pursuing a supervised course of study in counseling that
20 the Board approves as qualifying training and experience under this title; or

21 (2) An individual who, in accordance with § 17-406 of this title, is
22 working as a trainee under the supervision of a licensed clinical alcohol and drug
23 counselor or another health care provider licensed or certified under this article and
24 approved by the Board while fulfilling the experiential or course of study requirements
25 under § 17-302 of this subtitle or § 17-402, § 17-403, or § 17-404 of this title.

26 (c) This subtitle may not be construed to limit the scope of practice of any
27 individual who is duly licensed under this article.

28 **17-304.1.**

29 **(A) EXCEPT AS PROVIDED IN §§ 17-304.2 AND 17-307.1 OF THIS**
30 **SUBTITLE, TO QUALIFY FOR A LICENSE TO PRACTICE CLINICAL PROFESSIONAL**
31 **ART THERAPY, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE**
32 **REQUIREMENTS OF THIS SECTION.**

33 **(B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.**

1 **(C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.**

2 **(D) (1) THE APPLICANT SHALL HOLD A MASTER'S OR DOCTORAL**
3 **DEGREE IN ART THERAPY FROM AN ACCREDITED EDUCATIONAL INSTITUTION**
4 **THAT IS APPROVED BY THE BOARD.**

5 **(2) IN THE CASE OF AN APPLICANT HOLDING A DOCTORAL**
6 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED:**

7 **(I) A MINIMUM OF 90 GRADUATE CREDIT HOURS IN AN ART**
8 **THERAPY PROGRAM ACCREDITED BY THE AMERICAN ART THERAPY**
9 **ASSOCIATION; AND**

10 **(II) NOT LESS THAN 2 YEARS OF SUPERVISED EXPERIENCE**
11 **IN ART THERAPY APPROVED BY THE BOARD, 1 YEAR OF WHICH SHALL HAVE**
12 **BEEN COMPLETED AFTER THE AWARD OF THE DOCTORAL DEGREE.**

13 **(3) IN THE CASE OF AN APPLICANT HOLDING ONLY A MASTER'S**
14 **DEGREE, THE APPLICANT SHALL HAVE COMPLETED:**

15 **(I) A MINIMUM OF 60 GRADUATE CREDIT HOURS IN AN ART**
16 **THERAPY PROGRAM ACCREDITED BY THE AMERICAN ART THERAPY**
17 **ASSOCIATION; AND**

18 **(II) NOT LESS THAN 3 YEARS, WITH A MINIMUM OF 3,000**
19 **HOURS, OF SUPERVISED EXPERIENCE IN ART THERAPY APPROVED BY THE**
20 **BOARD, 2 YEARS OF WHICH SHALL HAVE BEEN COMPLETED AFTER THE AWARD**
21 **OF THE MASTER'S DEGREE.**

22 **(E) THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE BOARD**
23 **EVIDENCING THE COMPLETION OF 60 HOURS OF GRADUATE COURSE WORK IN**
24 **ART THERAPY FROM AN ACCREDITED COLLEGE OR UNIVERSITY PROGRAM**
25 **ACCREDITED BY THE AMERICAN ART THERAPY ASSOCIATION.**

26 **(F) THE APPLICANT SHALL PROVIDE DOCUMENTATION EVIDENCING**
27 **THE COMPLETION OF 2 YEARS OF POSTGRADUATE SUPERVISED EXPERIENCE AS**
28 **REQUIRED BY THE BOARD.**

29 **(G) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT**
30 **SHALL PASS THE ART THERAPY CREDENTIALS BOARD EXAM.**

31 **17-304.2.**

1 **ON OR BEFORE OCTOBER 1, 2014, THE BOARD SHALL WAIVE THE**
2 **REQUIREMENTS FOR LICENSURE UNDER § 17-304.1(D) THROUGH (G) OF THIS**
3 **SUBTITLE FOR AN APPLICANT TO PRACTICE CLINICAL PROFESSIONAL ART**
4 **THERAPY, IF THE APPLICANT PROVIDES THE BOARD WITH EVIDENCE OF:**

5 **(1) CURRENT CERTIFICATION BY THE ART THERAPY**
6 **CREDENTIALS BOARD, INC.; AND**

7 **(2) HAVING COMPLETED 3 YEARS OF FULL-TIME EXPERIENCE**
8 **PROVIDING ART THERAPY.**

9 **17-307.1.**

10 **(A) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR LICENSURE**
11 **FOR AN APPLICANT TO PRACTICE CLINICAL PROFESSIONAL ART THERAPY IF**
12 **THE APPLICANT:**

13 **(1) IS LICENSED AS A CLINICAL PROFESSIONAL ART THERAPIST**
14 **IN ANOTHER STATE, TERRITORY, OR JURISDICTION THAT HAS REQUIREMENTS**
15 **THAT ARE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF § 17-304.1 OF**
16 **THIS SUBTITLE;**

17 **(2) SUBMITS AN APPLICATION TO THE BOARD ON A FORM THAT**
18 **THE BOARD REQUIRES; AND**

19 **(3) PAYS TO THE BOARD AN APPLICATION FEE SET BY THE**
20 **BOARD.**

21 **(B) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
22 **SECTION.**

23 **17-308.**

24 **(a) A license authorizes the licensee to practice clinical alcohol and drug**
25 **counseling, clinical marriage and family therapy, [or] clinical professional counseling,**
26 **OR CLINICAL PROFESSIONAL ART THERAPY while the license is effective.**

27 **(b) An individual licensed under this subtitle may provide services involving**
28 **the application of counseling principles and methods in the diagnosis, prevention,**
29 **treatment, and amelioration of psychological problems, emotional conditions, or**
30 **mental conditions of individuals or groups.**

31 **17-309.**

1 (a) The Board may adopt regulations to allow an individual to practice under
2 supervision as a licensed graduate alcohol and drug counselor, a licensed graduate
3 marriage and family therapist, [or] a licensed graduate professional counselor, **OR A**
4 **LICENSED GRADUATE PROFESSIONAL ART THERAPIST.**

5 (b) To qualify to practice as a licensed graduate alcohol and drug counselor, a
6 licensed graduate marriage and family therapist, [or] a licensed graduate professional
7 counselor, **OR A LICENSED GRADUATE PROFESSIONAL ART THERAPIST**, an
8 individual shall be:

9 (1) Of good moral character; and

10 (2) At least 18 years old.

11 (c) An individual may practice graduate alcohol and drug counseling under
12 supervision for a limited period of time if the individual has:

13 (1) A master's or doctoral degree in a health and human services
14 counseling field that meets the educational requirements of § 17-302 of this subtitle;
15 and

16 (2) Passed the National Alcohol and Drug Counselor Examination
17 approved by the Board.

18 (d) An individual may practice graduate marriage and family therapy under
19 supervision for a limited period of time if the individual has:

20 (1) A master's or doctoral degree in a marriage and family field that
21 meets the educational requirements of § 17-303 of this subtitle; and

22 (2) Passed the National Marriage and Family Therapy Examination
23 approved by the Board.

24 (e) An individual may practice graduate professional counseling under
25 supervision for a limited period of time if the individual has:

26 (1) A master's or doctoral degree in a professional counseling field that
27 meets the educational requirements of § 17-304 of this subtitle; and

28 (2) Passed the National Professional Counselor Examination approved
29 by the Board.

30 **(F) AN INDIVIDUAL MAY PRACTICE GRADUATE PROFESSIONAL ART**
31 **THERAPY UNDER SUPERVISION FOR A LIMITED PERIOD OF TIME IF THE**

1 INDIVIDUAL HAS A MASTER'S OR DOCTORAL DEGREE IN ART THERAPY THAT
 2 MEETS THE EDUCATIONAL REQUIREMENTS OF § 17-304.1 OF THIS SUBTITLE.

3 [(f)] (G) An individual may not practice without approval by the Board.
 4 17-508.

5 (a) In this section, "regulated counselor or therapist" means:

6 (1) A licensed clinical alcohol and drug counselor;

7 (2) A licensed clinical marriage and family therapist;

8 **(3) A LICENSED CLINICAL PROFESSIONAL ART THERAPIST;**

9 [(3)] (4) A licensed clinical professional counselor;

10 [(4)] (5) A licensed graduate alcohol and drug counselor;

11 [(5)] (6) A licensed graduate marriage and family therapist;

12 **(7) A LICENSED GRADUATE PROFESSIONAL ART THERAPIST;**

13 [(6)] (8) A licensed graduate professional counselor;

14 [(7)] (9) A certified professional counselor—alcohol and drug
 15 counselor;

16 [(8)] (10) A certified associate counselor—alcohol and drug counselor;

17 [(9)] (11) A certified supervised counselor—alcohol and drug counselor;

18 [(10)] (12) A certified professional counselor—marriage and family
 19 therapist; and

20 [(11)] (13) A certified professional counselor.

21 (b) Unless the Board agrees to accept the surrender of a license or certificate,
 22 while the licensee or certificate holder is under investigation or while charges are
 23 pending against the licensee or certificate holder, a regulated counselor or therapist
 24 may not:

25 (1) Surrender the license or certificate; or

26 (2) Allow the license or certificate to lapse by operation of law.

1 (c) The Board may set conditions on its agreement with the regulated
2 counselor or therapist under investigation or against whom charges are pending to
3 accept surrender of the license or certificate.

4 17-509.

5 Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the
6 affirmative vote of a majority of its members then serving, may deny a license or
7 certificate to any applicant, place any licensee or certificate holder on probation,
8 reprimand any licensee or certificate holder, or suspend or revoke a license of any
9 licensee or a certificate of any certificate holder if the applicant, licensee, or certificate
10 holder:

11 (1) Fraudulently or deceptively obtains or attempts to obtain a license
12 or certificate for the applicant, licensee, or certificate holder or for another;

13 (2) Habitually is intoxicated;

14 (3) Provides professional services:

15 (i) While under the influence of alcohol; or

16 (ii) While using any narcotic or controlled dangerous substance,
17 as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
18 therapeutic amounts or without valid medical indication;

19 (4) Aids or abets an unauthorized individual in practicing clinical or
20 nonclinical counseling or therapy or representing to be an alcohol and drug counselor,
21 marriage and family therapist, [or] professional counselor, **OR PROFESSIONAL ART**
22 **THERAPIST**;

23 (5) Promotes the sale of drugs, devices, appliances, or goods to a
24 patient so as to exploit the patient for financial gain;

25 (6) Willfully makes or files a false report or record in the practice of
26 counseling or therapy;

27 (7) Makes a willful misrepresentation while counseling or providing
28 therapy;

29 (8) Violates the code of ethics adopted by the Board;

30 (9) Knowingly violates any provision of this title;

31 (10) Is convicted of or pleads guilty or nolo contendere to a felony or a
32 crime involving moral turpitude, whether or not any appeal or other proceeding is
33 pending to have the conviction or plea set aside;

1 (11) Is professionally, physically, or mentally incompetent;

2 (12) Submits a false statement to collect a fee;

3 (13) Violates any rule or regulation adopted by the Board;

4 (14) Is disciplined by a licensing or disciplinary authority of any other
5 state or country or convicted or disciplined by a court of any state or country for an act
6 that would be grounds for disciplinary action under the Board's disciplinary statutes;

7 (15) Refuses, withholds from, denies, or discriminates against an
8 individual with regard to the provision of professional services for which the licensee is
9 licensed and qualified or the certificate holder is certified and qualified to render
10 because the individual is HIV positive;

11 (16) Commits an act of immoral or unprofessional conduct in the
12 practice of clinical or nonclinical counseling or therapy;

13 (17) Knowingly fails to report suspected child abuse in violation of §
14 5-704 of the Family Law Article; or

15 (18) Fails to cooperate with a lawful investigation conducted by the
16 Board.

17 17-513.

18 (a) An action may be maintained in the name of the State or the Board to
19 enjoin:

20 (1) The unauthorized practice of alcohol and drug counseling and
21 clinical alcohol and drug counseling, marriage and family therapy and clinical
22 marriage and family therapy, [or] professional counseling and clinical professional
23 counseling, **OR CLINICAL PROFESSIONAL ART THERAPY**; or

24 (2) Conduct that is a ground for disciplinary action under § 17-509 of
25 this subtitle.

26 (b) An action under this section may be brought by:

27 (1) The Board, in its own name;

28 (2) The Attorney General, in the name of the State; or

29 (3) A State's Attorney, in the name of the State.

1 (c) An action under this section shall be brought in the county where the
2 defendant:

3 (1) Resides; or

4 (2) Engages in the acts sought to be enjoined.

5 (d) Proof of actual damages or that any person will sustain any damages if
6 an injunction is not granted is not required for an action under this section.

7 (e) An action under this section is in addition to and not instead of criminal
8 prosecution for the unauthorized practice of alcohol and drug counseling and clinical
9 alcohol and drug counseling, marriage and family therapy and clinical marriage and
10 family therapy, [or] professional counseling and clinical professional counseling, **OR**
11 **CLINICAL PROFESSIONAL ART THERAPY**, under § 17-301, § 17-601, § 17-602, or §
12 17-603 of this title or disciplinary action under § 17-509 of this subtitle.

13 17-515.

14 (a) In this section, “counselor and therapist rehabilitation committee” means
15 a committee that:

16 (1) Is described in subsection (b) of this section; and

17 (2) Performs any of the functions listed in subsection (d) of this
18 section.

19 (b) For purposes of this section, a counselor and therapist rehabilitation
20 committee is a committee of the Board or a committee of any association or
21 associations representing alcohol and drug counselors, marriage and family therapists,
22 [or] professional counselors, **OR PROFESSIONAL ART THERAPISTS** that:

23 (1) Is recognized by the Board; and

24 (2) Includes but is not limited to alcohol and drug counselors,
25 marriage and family therapists, [and] professional counselors, **AND PROFESSIONAL**
26 **ART THERAPISTS**.

27 (c) A rehabilitation committee of the Board or recognized by the Board may
28 function:

29 (1) Solely for the Board; or

30 (2) Jointly with a rehabilitation committee representing another board
31 or boards.

1 (d) For purposes of this section, a counselor and therapist rehabilitation
2 committee evaluates and provides assistance to any alcohol and drug counselor,
3 marriage and family therapist, professional counselor, **PROFESSIONAL ART**
4 **THERAPIST**, and any other individual regulated by the Board, in need of treatment
5 and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,
6 emotional, or mental condition.

7 (e) (1) Except as otherwise provided in this subsection, the proceedings,
8 records, and files of the counselor and therapist rehabilitation committee are not
9 discoverable and are not admissible in evidence in any civil action arising out of the
10 matters that are being or have been reviewed and evaluated by the counselor and
11 therapist rehabilitation committee.

12 (2) Paragraph (1) of this subsection does not apply to any record or
13 document that is considered by the counselor and therapist rehabilitation committee
14 and that otherwise would be subject to discovery or introduction into evidence in a
15 civil action.

16 (3) For purposes of this subsection, civil action does not include a
17 proceeding before the Board or judicial review of a proceeding before the Board.

18 (f) A person who acts in good faith and within the scope of jurisdiction of a
19 counselor and therapist rehabilitation committee is not civilly liable for any action as a
20 member of the counselor and therapist rehabilitation committee or for giving
21 information to, participating in, or contributing to the function of the counselor and
22 therapist rehabilitation committee.

23 17-601.

24 Unless an individual is licensed to practice clinical alcohol and drug counseling,
25 clinical marriage and family therapy, [or] clinical professional counseling, **OR**
26 **CLINICAL PROFESSIONAL ART THERAPY**, an individual may not:

27 (1) Represent to the public by title, by description of services, methods,
28 or procedures, or otherwise, that the individual is licensed by the Board to provide
29 clinical alcohol and drug counseling services, clinical marriage and family therapy
30 services, [or] clinical professional counseling services, **OR CLINICAL PROFESSIONAL**
31 **ART THERAPY SERVICES** in the State;

32 (2) Use any title, abbreviation, sign, card, or other representation that
33 the individual is a licensed clinical alcohol and drug counselor, licensed clinical
34 marriage and family therapist, [or] licensed clinical professional counselor, **LICENSED**
35 **CLINICAL PROFESSIONAL ART THERAPIST**; or

36 (3) Use the title "L.C.A.D.C.", "L.C.M.F.T.", [or] "L.C.P.C.", **OR**
37 **"L.C.P.A.T"** or the words "licensed clinical alcohol and drug counselor", "licensed

1 clinical marriage and family therapist”, [or] “licensed clinical professional counselor”,
2 **OR “LICENSED CLINICAL PROFESSIONAL ART THERAPIST”** with the intent to
3 represent that the individual practices clinical alcohol and drug counseling, clinical
4 marriage and family therapy, [or] clinical professional counseling, **OR CLINICAL**
5 **PROFESSIONAL ART THERAPY**.

6 17–602.

7 Except as otherwise provided in this title, unless an individual has been
8 approved by the Board to practice as a licensed graduate alcohol and drug counselor, a
9 licensed graduate professional counselor, [or] a licensed graduate marriage and family
10 therapist, **OR A LICENSED GRADUATE PROFESSIONAL ART THERAPIST** the
11 individual may not:

12 (1) Use the title “licensed graduate alcohol and drug counselor”,
13 “licensed graduate professional counselor”, [or] “licensed graduate marriage and
14 family therapist”, **OR “LICENSED GRADUATE PROFESSIONAL ART THERAPIST”**;

15 (2) Use the initials “L.G.A.D.C.”, “L.G.P.C.”, [or] “L.G.M.F.T.”, **OR**
16 **“L.G.P.A.T”** after the name of the individual;

17 (3) Represent to the public that the individual is approved by the
18 Board to practice alcohol and drug counseling, professional counseling, [or] marriage
19 and family therapy, **OR PROFESSIONAL ART THERAPY**; or

20 (4) Use any title, abbreviation, sign, card, or other representation that
21 the individual is a licensed graduate alcohol and drug counselor, a licensed graduate
22 professional counselor, [or] a licensed graduate marriage and family therapist, **OR A**
23 **LICENSED GRADUATE PROFESSIONAL ART THERAPIST**.

24 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

25 (1) the two clinical professional art therapist members added to the
26 State Board of Professional Counselors and Therapists under § 17–202(a)(2)(iv) of the
27 Health Occupations Article, as enacted by Section 1 of this Act, shall be appointed to
28 fill the first two vacancies on the Board formerly filled by a licensed clinical
29 professional counselor member, a licensed clinical marriage and family therapist
30 member, or a licensed clinical alcohol and drug counselor member that occur after the
31 effective date of this Act; and

32 (2) after the two clinical professional art therapist members have been
33 added in accordance with item (1) of this section, the next two vacancies on the Board
34 formerly filled by a licensed clinical professional counselor member, a licensed clinical
35 marriage and family therapist member, or a licensed clinical alcohol and drug
36 counselor member shall be left vacant until the membership of the Board reflects the

1 membership required by § 17–202(a) of the Health Occupations Article, as enacted by
2 Section 1 of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012.