

Health Occupations

Title 17. Professional Counselors and Therapists

Subtitle 2. State Board of Professional Counselors and Therapists.

§17–201. Established.

There is a State Board of Professional Counselors and Therapists.

§17–202. Membership.

(a) (1) The Board consists of 13 members appointed by the Governor with the advice of the Secretary.

(2) Of the 13 Board members:

- (i) Four shall be licensed as clinical professional counselors;
- (ii) Three shall be licensed as clinical marriage and family therapists;
- (iii) Three shall be licensed as clinical alcohol and drug counselors;
- (iv) One shall be licensed as a clinical professional art therapist; and
- (v) Two shall be consumer members.

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

(4) The Governor shall appoint the counselors and therapists from a list submitted to the Governor by the Secretary. Any association representing professional counselors, marriage and family therapists, alcohol and drug counselors, or professional art therapists may submit recommendations for Board members to the Secretary.

(b) The consumer members of the Board:

- (1) Shall be members of the general public;
- (2) May not be or ever have been certified or licensed as a counselor or therapist or in training to become certified or licensed as a counselor or therapist;
- (3) May not have a household member who is certified or licensed as a counselor or therapist or in training to become certified or licensed as a counselor or therapist;
- (4) May not participate or ever have participated in a commercial or professional field related to professional counseling, marriage and family therapy, alcohol and drug counseling, or professional art therapy;

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(5) May not have a household member who participates in a commercial or professional field related to professional counseling, marriage and family therapy, alcohol and drug counseling, or professional art therapy;

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

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

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

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

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

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

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

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

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

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

§17–203. Officers.

(a) From among its members, the Board annually shall elect:

(1) A chairperson;

(2) A vice chairperson; and

(3) A secretary.

(b) The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.

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§17–204. Meetings, reimbursement and staff.

- (a) A majority of the full authorized membership of the Board is a quorum.
- (b) The Board shall meet at least once a year, at the times and places that it determines.
- (c) Each member of the Board is entitled to reimbursement for expenses at a rate determined by the Board.
- (d) The Board may employ a staff in accordance with the budget of the Board.

§17–205. Powers and duties.

- (a) In addition to the powers set forth elsewhere in this title, the Board may adopt rules and regulations to carry out the provisions of this title.
- (b) In addition to the duties set forth elsewhere in this title, the Board shall:
 - (1) Maintain a registry of all counselors or therapists currently licensed or certified by the Board and all individuals currently working as trainees in accordance with § 17–406(b) of this title;
 - (2) Submit an annual report to the Governor and the Secretary;
 - (3) Adopt a code of ethics that the Board considers to be appropriate and applicable to the counselors or therapists currently certified or licensed by the Board and the individuals currently working as trainees in accordance with § 17–406(b) of this title;
 - (4) Establish continuing education requirements for the counselors or therapists currently certified or licensed by the Board;
 - (5) Adopt an official seal; and
 - (6) Create committees as it deems appropriate to advise the Board on special issues.
- (c)
 - (1) The Board may take action against a marriage and family therapist only if:
 - (i) Before taking action against the marriage and family therapist, the Board discusses the proposed action with a Board member who is a licensed clinical marriage and family therapist; and
 - (ii) A Board member who is a licensed clinical marriage and family therapist votes, either in the affirmative or in the negative, on the proposed action.
 - (2) The Board may take action against an alcohol and drug counselor only if:
 - (i) Before taking action against the alcohol and drug counselor, the Board discusses the proposed action with a Board member who is a licensed clinical alcohol and drug counselor; and
 - (ii) A Board member who is a licensed clinical alcohol and drug counselor votes, either in the affirmative or in the negative, on the proposed action.

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(3) The Board shall investigate all complaints filed against licensed counselors and therapists if, at the time of the violation, the licensed counselor or therapist has also registered and qualified for psychology associate status by virtue of holding a master's degree under Title 18 (Maryland Psychologists Act) of this article.

(4) The Board shall notify the Board of Examiners of Psychologists of the complaint in writing within 60 days of receipt of the complaint if an investigation of the supervising licensed psychologists is warranted.

(5) The Board shall initiate disciplinary action against any licensed counselor or therapist who also registers as a psychology associate and violates any portion of this statute.

(d) The Board shall establish or select examinations that the Board considers appropriate to determine the ability of an applicant to be licensed or certified by the Board.

§17–206. State board of Professional Counselors and Therapists Fund - Establishment of fees; Disposition of funds.

(a) There is a State Board of Professional Counselors and Therapists Fund.

(b) (1) The Board may set reasonable fees for the issuance and renewal of licenses or certificates and its other services.

(2) The fees charged shall be set to produce funds so as to approximate the cost of maintaining the Board.

(3) Funds to cover the expenses of the Board members shall be generated by fees set under this section.

(c) (1) The Board shall pay all fees collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees to the Fund.

(d) (1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(2) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

(4) No other State money may be used to support the Fund.

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§17–206. State Board of Professional Counselors and Therapists Fund - Establishment of fees; Disposition of funds.

(e) (1) A designee of the Board shall administer the Fund.
(2) Moneys in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

§17–207. Immunity.

A person shall have immunity from the liability described under § 5–722 of the Courts Article for giving information to the Board or otherwise participating in its activities.