

A BILL ENTITLED

AN ACT concerning

Maryland Professional Counselors and Therapists Act — Revisions

FOR the purpose of repealing a requirement that the State Board of Professional Counselors and Therapists accept accreditations for art therapy programs by the American Art Therapy Association and the Art Therapy Credentials Board Exam; repealing the waiver requirements for the practice of licensed clinical professional art therapy; amending the number of sets of fingerprints a certain applicant for licensure or certification is required to submit to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services; requiring the Central Repository to forward to the Board certain information regarding a certain applicant's criminal history record information under certain circumstances; repealing a requirement that the Board issue paper copies of licenses and certificates; repealing the requirement that a licensee or certificate holder display their license or certificate conspicuously in their office or place of employment; and generally relating to revisions to the Maryland Professional Counselors and Therapists Act.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Sections 17-304.1, 17-501.1(d), and 17-503
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing
Article – Health Occupations
Sections 17-304.2 and 17-506
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Health Occupations

§17–304.1.

(a) Except as provided in §§ 17–304.2 and 17–307.1 of this subtitle, to qualify for a license to practice clinical professional art therapy, an applicant shall be an

individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

(d) (1) The applicant shall hold a master's or doctoral degree in art therapy from an accredited educational institution that is approved by the Board.

(2) In the case of an applicant holding a doctoral degree, the applicant shall have completed:

(i) A minimum of 90 graduate credit hours in an art therapy program [accredited by the American Art Therapy Association and] approved by the Board; and

(ii) Not less than 2 years of supervised experience in art therapy approved by the Board, 1 year of which shall have been completed after the award of the doctoral degree.

(3) In the case of an applicant holding only a master's degree, the applicant shall have completed:

(i) A minimum of 60 graduate credit hours in an art therapy program [accredited by the American Art Therapy Association and] approved by the Board; and

(ii) Not less than 3 years, with a minimum of 3,000 hours, of supervised experience in art therapy approved by the Board, 2 years of which shall have been completed after the award of the master's degree.

(e) The applicant shall provide documentation to the Board evidencing the completion of any educational requirements established by the Board in regulation, from an accredited college or university program that is [accredited by the American Art Therapy Association,] approved by the Board.

(f) The applicant shall provide documentation evidencing the completion of 2 years of postgraduate supervised experience as required by the Board.

(g) Except as otherwise provided in this title, the applicant shall pass [the Art Therapy Credentials Board Exam] **AN EXAMINATION APPROVED BY THE BOARD.**

§17-304.2.

[The Board shall waive the requirements for the practice of licensed clinical professional art therapy under § 17-304.1(d) through (g) of this subtitle if, on or before October 1, 2014, the applicant provides the Board with documentation showing:

- (1) Current certification by the Art Therapy Credentials Board, Inc.; and
- (2) Completion of 3 years of full-time experience providing art therapy.]

§17-501.1.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

- (1) A complete set of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
- (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
- (3) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with §§ 10-201 through 10-228 of the Criminal Procedure Article, the Central Repository shall forward to the Board and the applicant the criminal history record information of the applicant.

[(d) If an applicant has made three or more unsuccessful attempts at securing legible fingerprints, the Board may accept an alternate method of a criminal history records check as allowed by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.]

[(e)] **(D)** Information obtained from the Central Repository under this section:

- (1) Shall be confidential;
- (2) May not be redisseminated; and
- (3) Shall be used only for the licensing or certification purpose authorized by this title.

[(f)] **(E)** The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

§17-503.

(a) The Board shall issue a license or certificate to any applicant who meets the requirements of this title.

(b) The Board shall include on each license and certificate that the Board issues:

- (1) The kind of license or certificate;
- (2) The full name of the licensee or certificate holder;
- (3) A serial number;
- (4) The signatures of the chairman and the secretary of the Board; and
- (5) The seal of the Board.

(c) The Board may issue a license or certificate to replace a lost, destroyed, or mutilated license or certificate if the licensee or certificate holder pays the replacement fee set by the Board.

(d) (1) On receipt of the criminal history record information of an applicant for licensure or certification forwarded to the Board in accordance with § 17-501.1 of this subtitle, in determining whether to grant a license or certificate, the Board shall consider:

- (i) The age at which the crime was committed;
- (ii) The circumstances surrounding the crime;

- (iii) The length of time that has passed since the crime;
- (iv) Subsequent work history;
- (v) Employment and character references; and
- (vi) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license or certificate if the criminal history record information required under § 17-501.1 of this subtitle has not been received.

(E) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE BOARD SHALL ISSUE A LICENSE OR CERTIFICATE TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE.

(F) (1) THE BOARD SHALL MAINTAIN AN ELECTRONIC ROSTER OF EACH INDIVIDUAL LICENSED OR CERTIFIED BY THE BOARD.

(2) THE ROSTER SHALL BE AVAILABLE FOR THE PURPOSE OF ELECTRONICALLY VERIFYING LICENSURE OR CERTIFICATION ON THE BOARD'S WEBSITE.

(3) INDIVIDUALS WITHOUT ACCESS TO THE BOARD'S WEBSITE MAY CONTACT THE BOARD TO VERIFY A LICENSE OR CERTIFICATE.

(G) THE BOARD SHALL INCLUDE ON EACH ELECTRONIC LICENSE OR CERTIFICATE A RECORD OF THE:

(1) FULL NAME OF THE LICENSEE OR CERTIFICATE HOLDER;

(2) LICENSE OR CERTIFICATE SERIAL NUMBER;

(3) TYPE OF LICENSE OR CERTIFICATE;

(4) STATUS OF THE LICENSE;

(5) EXPIRATION DATE; AND

(6) ORIGINAL DATE OF LICENSURE OR CERTIFICATION.

§17-506.

[Each licensee or certificate holder shall display the license or certificate conspicuously in the licensee's or certificate holder's office or place of employment.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.