

## **PROPOSAL**

### **Maryland Register**

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## **Title 10**

# **MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS**

### **Notice of Proposed Action**

[20-175-P]

The Secretary of Health proposes to:

(1) Amend Regulations .01—.04, repeal existing Regulations .05, .07, .09, and .10, and amend and recodify existing Regulations .06 and .08 to be Regulations .05 and .06, respectively, under COMAR 10.58.01 General Regulations; and

(2) Repeal existing Regulations .01—.08 under COMAR 10.58.12 Supervision Requirements and adopt new Regulations .01—.10 under COMAR 10.58.12 Licensed Clinical Professional Counselors — Requirements for Licensure.

This action was considered by the Board of Professional Counselors and Therapists at a public meeting held on October 18, 2019, notice of which was given by publication on the Board's website at <https://health.maryland.gov/bopc/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

### **Statement of Purpose**

The purpose of this action is to:

(1) Reorganize and add clarifying language to COMAR 10.58.01 to make it applicable to all licenses, certificate holders, and alcohol and drug trainees;

(2) Repeal the existing chapter, COMAR 10.58.12, and replace it with a new chapter exclusively for licensed clinical and graduate professional counselors;

(3) Clarify certain procedures for the administrative processing of applications; and

(4) Remove from regulations the requirement that the Board issue paper licenses and certificates.

### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

### **Estimate of Economic Impact**

The proposed action has no economic impact.

### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through December 7, 2020. A public hearing has not been scheduled.

## **10.58.01 General Regulations**

Authority: Health Occupations Article, §§17-101, 17-205, 17-301, 17-304, 17-307, 17-308, and 17-509, Annotated Code of Maryland

### **.01 Scope.**

This chapter [applies]:

*A. Applies to graduate and clinical professional counselors, graduate and clinical marriage and family therapists, graduate and clinical art therapists, [and] graduate, clinical, and certified alcohol and drug counselors, and alcohol and drug trainees in Maryland.]; and*

*B. Does not supersede the regulations set forth under:*

*(1) COMAR 10.58.07;*

*(2) COMAR 10.58.08;*

- (3) COMAR 10.58.12; and
- (4) COMAR 10.58.17.

**.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.

[(1) "Accredited institution of higher education" means a college or university accredited by a national or regional accrediting body recognized by the Council on Post-Secondary Accreditation.

(2) "Applicant" means an individual who has submitted a Board application and paid the application fee for certification or licensure.

- (3) "Appraisal" means:

(a) Selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, and personal characteristics; and

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

(4) "Approved supervisor" means a licensed clinical professional counselor or other health care provider certified or licensed under the Health Occupations Article, Annotated Code of Maryland, as approved by the Board.

- (5) "Board" means the State Board of Professional Counselors and Therapists.]

- [(6)] (1)–[(7)] (2) (text unchanged)

- (8) "Counseling" means assisting an individual or group through the counseling relationship to:

(a) Develop an understanding of intrapersonal and interpersonal problems;

(b) Define goals;

(c) Make decisions;

(d) Plan a course of action reflecting the needs, interests, and abilities of the individual, family, or group; and

(e) Use informational and community resources as these procedures are related to personal, social, emotional, educational, and vocational development and adjustment.

(9) "Face-to-face client contact hour" means at least 45 minutes of direct session time with clients present.

(10) "Face-to-face clinical supervision hour" means at least 45 minutes of direct supervision time with the supervisee present.]

- [(11)] (3) "License" means a license issued by the Board to practice:

(a)–(c) (text unchanged)

(d) *Clinical professional art therapy (LCPAT);*

[(d)] (e) Graduate alcohol and drug counseling (*LGADC*);

[(e)] (f) Graduate marriage and family therapy counseling (*LGMFT*); [or]

[(f)] (g) Graduate professional counseling (*LGPC*); or

(h) *Graduate professional art therapy (LGPAT).*

[(11-1) "Licensed graduate professional counselor" means an individual approved by the Board to practice graduate professional counseling under the supervision of an approved supervisor while fulfilling the supervised clinical experience for licensure under Health Occupations Article, §17-3A-02(h), Annotated Code of Maryland, and Regulation .05B(2) or (3) of this chapter.

(12) "National Board for Certified Counselors, Inc." means the private testing agency which prepares an examination approved by the Board.

(13) "Nationally recognized certification agency" means a governmental or nongovernmental organization determined by the Board to be:

(a) Nationally recognized as having the expertise to set minimum standards for a particular area of specialization in the practice of professional counseling;

(b) Having a valid, reliable instrument for the evaluation of the training of persons seeking its recognition; and

(c) Having affiliates, certificants, members, or persons whom it officially recognizes as meeting its standards in at least 36 states, and whose members meet specified qualifications.

(14) "Practice clinical professional counseling" means to engage professionally and for compensation in professional counseling and appraisal activities by providing services involving the application of counseling principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups.

(15) "Practice of professional counseling" means to engage in counseling and appraisal activities for compensation.

(16) "Professional counselor" means an individual who practices professional counseling.

(17) "Psychotherapy" means providing clinical services which involve:

(a) The professional application of psychotherapy and counseling theories and methods in psychodynamic, cognitive, behavioral, humanistic, or systems theories to assist the client in:

(i) Improving functioning;

(ii) Obtaining symptom relief;

(iii) Preventing psychosocial dysfunction; or

(iv) Changing personality;

(b) Situations in which the principle discourse involves:

- (i) Diagnosis of psychopathology based on standard diagnostic criteria;
- (ii) Psychotherapeutic treatment of mental disorders, emotional disorders, and adjustment reactions utilizing standard treatment modalities;
- (iii) Childhood trauma and abuse;
- (iv) Identifying and changing self-defeating patterns of behaving, thinking, feeling, believing, or interacting with others in systems;
- (v) Developmental issues;
- (vi) Personality development; or
- (vii) Problems related to disorders of thinking, emotional suffering, addictions, behavior, or interpersonal dysfunctions;

and

- (c) Adjunctive psychotherapy areas such as:

- (i) Creative arts counseling, such as visual arts, writing, music, texture, dance, movement, and drama;
- (ii) Hypnotherapy;
- (iii) Play therapy;
- (iv) School guidance counseling;
- (v) Career counseling;
- (vi) Rehabilitation counseling;
- (vii) Hospice and grief counseling;
- (viii) Assessment and testing;
- (ix) Crisis intervention; or

(x) Support therapy services including referral, intake assessment, leadership in self-help groups, supervision, consultation, treatment planning and file notes, or hospital rounds.

(18) "Related field" means a profession using counseling whose academic requirements include degree programs from an accredited college or university that has curricula in areas such as gerontology, human services, marriage and family therapy, mental health, pastoral counseling, psychology, psychotherapy, social work, and other areas approved by the Board.

(19) "Supervised clinical experience in professional counseling" means counseling services conducted under the supervision of an approved supervisor.

(20) "Under the supervision of an approved supervisor" means engaging in an ongoing process of receiving direction from an approved supervisor that includes:

- (a) Monitoring the performance of a trainee; and
- (b) Documented and direct consultation, guidance, and instruction with respect to clinical skill and competency.

(21) "Workshop" means a meeting or meetings of general sessions and face-to-face groups with a leader, an expert in the defined content area, who imparts information to participants who have an ample opportunity to interact.]

### **.03 General.**

A. Unless certified, [or] licensed, *or granted trainee status* by the Board, an individual may not *use*:

- [(1) Certified professional counselor (CPC);
- (2) Certified professional counselor — marriage and family therapist (CPC—MFT);
- (3) Certified professional counselor — alcohol and drug (CPC—AD);
- (4) Certified associate counselor — alcohol and drug (CAC—AD);
- (5) Certified supervised counselor — alcohol and drug (CSC—AD);
- (6) Licensed clinical alcohol and drug counselor (LCADC);
- (7) Licensed clinical marriage and family therapist (LCMFT);
- (8) Licensed clinical professional art therapist (LCPAT);
- (9) Licensed clinical professional counselor (LCPC);
- (10) Licensed graduate alcohol and drug counselor (LGADC);
- (11) Licensed graduate professional art therapist (LGPAT);
- (12) Licensed graduate marriage and family therapist (LGMFT); or
- (13) Licensed graduate professional counselor (LGPC);]

[A.] (1) [Use the] *The title alcohol and drug trainee (ADT)*[:]; or

- (2) *Any other:*

- (a) *Title;*
- (b) *Initials;*
- (c) *Abbreviations;*
- (d) *Representation; or*

(e) *Description as specified under Health Occupations Article, §§17-601—17-603, Annotated Code of Maryland.*

B. [Use the initials CPC, CPC—MFT, CPC—AD, CAC—AD, CSC—AD, LCADC, LCMFT, LCPAT, LCPC, LGADC, LGPAT, LGMFT, or LGPC after the name of the individual; or] *An individual who violates this regulation may be subject to sanctions pursuant to Health Occupations Article, §§17-513 and 17-604, Annotated Code of Maryland.*

[C. Represent to the public that the individual is a:

- (1) Certified professional counselor (CPC);
- (2) Certified professional counselor — marriage and family therapist (CPC—MFT);

- (3) Certified professional counselor — alcohol and drug (CPC—AD);
- (4) Certified associate counselor — alcohol and drug (CAC—AD);
- (5) Certified supervised counselor — alcohol and drug (CSC—AD);
- (6) Licensed clinical alcohol and drug counselor (LCADC);
- (7) Licensed clinical marriage and family therapist (LCMFT);
- (8) Licensed clinical professional art therapist (LCPAT);
- (9) Licensed clinical professional counselor (LCPC);
- (10) Licensed graduate alcohol and drug counselor (LGADC);
- (11) Licensed graduate professional art therapist (LGPAT);
- (12) Licensed graduate marriage and family therapist (LGMFT); or
- (13) Licensed graduate professional counselor (LGPC).]

**.04 Application Process.**

- A. In order to obtain a certificate or license, [a person] *an applicant* shall:
  - (1) Complete and return the [Board] *Board-approved* application;
  - (2) Submit an official transcript from [the] *an accredited educational* institution awarding the highest degree attained in counseling or a related field;
  - (3) Pay [the application fee] *all applicable fees* set forth in COMAR 10.58.02; [and]
  - (4) Provide at least three references from persons familiar with the work of the applicant[.].
  - (5) *Submit to a criminal history background check in accordance with Health Occupations Article, §17-501.1, Annotated Code of Maryland;*
  - (6) *Be of good moral character; and*
  - (7) *Be at least 18 years old.*
- B. [The closing date for acceptance of applications shall be 10 weeks before the respective examination date.] *Applications shall be acted upon as follows:*
  - (1) *Within 30 days after receipt of an application, the Board shall determine whether the application is complete;*
  - (2) *If the Board determines that the application is not complete, the Board shall send a notice of deficiency to the applicant;*
  - (3) *Upon receipt of the notice, the applicant shall correct the deficiency within 90 days, or other period specified in the notice;*
  - (4) *If the applicant fails to correct the deficiency within the required period, the application may lapse and the applicant shall be required to:*
    - (a) *Submit a new application; and*
    - (b) *Pay the nonrefundable fee set forth in COMAR 10.58.02;*
  - (5) *If the Board determines that an applicant is eligible to take the required examinations, the Board shall send a notice of approval to the applicant;*
  - (6) *Upon receipt of the approval notice, the applicant shall have 1 year from the date of the notice to take the examinations; and*
  - (7) *If the applicant fails to take the examinations within 1 year from the date of the approval notice, the requirements set forth under §B(4) of this regulation shall apply.*
- C. At least 30 days before the next scheduled examination, the Board shall notify the applicant whether the applicant qualifies to sit for the examination.
- D. An applicant who fails to appear for examination without prior notification shall forfeit the examination fee.
- E. Upon receiving notification under §C of this regulation, an applicant shall complete and return to the Board a form indicating intent to take an examination given by the Board or its designee.
- F. The Board shall announce the location of each examination.]

**[.06] .05 Reexamination.**

- An applicant who fails an examination for certification or licensure [may take a reexamination.]:
  - A. *May retake the exam if:*
    - (1) *It is within the time frame set by the applicable testing authority; or*
    - (2) *A waiver is approved by the Board to extend the testing deadline upon proof of exceptional circumstances; or*
  - B. *Shall be required to:*
    - (1) *Submit a new application; and*
    - (2) *Pay the nonrefundable fee set forth in COMAR 10.58.02.*

**[.08] .06 Certification and Licensure.**

- A. The Board shall [present]:
  - (1) *Issue a certificate or license [with an assigned serial] number to an applicant who has met the requirements [of this chapter or COMAR 10.58.07 or 10.58.08] as set forth under this subtitle; and*
  - (2) *Provide licensure, certification, or trainee status verification:*
    - (a) *On the Board's website; and*
    - (b) *From the Board's office.*
- B. The Board shall maintain official files which include assigned serial numbers.

C. The Board shall include the full name of the certificate holder or the licensee in addition to the assigned serial number on the certificate or license. The presiding Chairperson and the Secretary of the Board shall sign the certificate or license.

D. The certificate holder or the licensee shall display the certificate or license at the certificate holder's or licensee's principal place of practice.

E. While the certificate is in effect, the certificate authorizes the person to whom the certificate is issued to be called a certified professional counselor, certified professional counselor—marriage and family therapist (CPC — MFT), certified associate counselor—alcohol and drug (CAC—AD), certified professional counselor—alcohol and drug (CPC—AD), or certified supervised counselor—alcohol and drug (CSC—AD).

F. While the license is in effect, the license authorizes the person to whom the license is issued to be called a licensed clinical professional counselor (LCPC), licensed clinical alcohol and drug counselor (LCADC), or licensed clinical marriage and family therapist (LCMFT).

G. Upon the written request of a certificate holder or licensee whose certificate or license has been lost, destroyed, or mutilated, and the payment of the certificate or license replacement fee established in COMAR 10.58.02, the Board shall issue a replacement certificate or license bearing the same serial number previously issued.]

*B. Renewal — Certified Professional Counselor.*

(1) *To renew as a certified professional counselor, the applicant shall:*

- (a) *Complete a Board-approved renewal application;*
- (b) *Pay the required application fee set forth in COMAR 10.58.02; and*
- (c) *Attest to completion of continuing education activities as specified in COMAR 10.58.05.05 and .06.*

(2) *The Board may not:*

- (a) *Renew the certification of any certified professional counselor who fails to complete all requirements for renewal before the expiration date of the current certification; or*
- (b) *Reinstate the certification of a certified professional counselor who has failed to renew for any reason.*

## **10.58.12 Licensed Clinical Professional Counselors — Requirements for Licensure**

*Authority: Health Occupations Article, §§17-101, 17-205, 17-301, 17-304, 17-307, 17-308, and 17-509, Annotated Code of Maryland*

### **.01 Scope.**

*This chapter:*

*A. Establishes the requirements for an individual to practice clinical professional counseling;*

*B. Establishes standards of supervision and the responsibilities of supervisors and supervisees in the practice of clinical professional counseling;*

*C. Applies to licensees who:*

*(1) Practice clinical professional counseling; and*

*(2) Provide supervision for licensed graduate professional counseling; and*

*D. Applies to licensed graduate professional counselors who are in the process of obtaining the supervised clinical experience required by Health Occupations Article, §17-304.1, Annotated Code of Maryland.*

### **.02 Definitions.**

*A. In this chapter, the following terms have the meanings indicated.*

*B. Terms Defined.*

(1) *“Accredited educational institution” means a Board-approved college or university accredited by a national or regional accrediting body recognized by the Council on Post-Secondary Accreditation or through one of the following bodies recognized by the U.S. Department of Education:*

*(a) The Middle States Association of Colleges and Schools — the Commission on Higher Education;*

*(b) The New England Association of Schools and Colleges;*

*(c) The North Central Association of Schools and Colleges;*

*(d) The Northwest Association of Schools and of Colleges and Universities;*

*(e) The Southern Association of Colleges and Schools; or*

*(f) The Western Association of Colleges and Schools.*

(2) *“Appraisal” means:*

*(a) Selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, and personal characteristics; and*

*(b) Using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations.*

(3) *“Board-approved supervisor” means:*

*(a) A licensed clinical professional counselor, licensed clinical marriage and family therapist, licensed clinical professional art therapist, or licensed clinical alcohol and drug counselor who meets the requirements for licensure under this chapter, and has been approved by the Board; or*

*(b) An individual who is authorized by law to practice a health occupation, which includes the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups, and has been approved by the Board.*

- (4) "Client contact hour" means at least 45 minutes of direct session time with a client present.
- (5) "Clinical supervision hour" means at least 45 minutes of direct supervision time with the supervisee present.
- (6) "Direct clinical counseling services" means the provision of face-to-face clinical professional counseling services to clients and their significant others that includes, but is not limited to the following:
  - (a) Individual counseling;
  - (b) Group counseling;
  - (c) Family counseling;
  - (d) Couples counseling;
  - (e) Evaluation;
  - (f) Intake or Assessment;
  - (g) Diagnosis;
  - (h) Treatment planning with a client; and
  - (i) Crisis management or intervention.
- (7) *Face-to-Face.*
  - (a) "Face-to-face" means in the physical presence of an individual or using video conferencing which allows individuals to hear and see each other in synchronous points of time.
  - (b) "Face-to-face" does not include:
    - (i) Telephone communication; or
    - (ii) Internet communication that does not involve synchronous video conferencing, such as instant messaging services and social networking sites.
- (8) "Indirect clinical counseling services" means all case management and professional development activities related to the provision of clinical professional counseling services to a client that include, but are not limited to, the following:
  - (a) Referral;
  - (b) Intake or assessment by telephone or other means when client is not face-to-face;
  - (c) Receiving individual and group supervision at site or at the university;
  - (d) Consultation with other professionals;
  - (e) Treatment planning with other professionals;
  - (f) Case staffing;
  - (g) Staff meetings;
  - (h) Related trainings and seminars;
  - (i) Record keeping;
  - (j) Report writing;
  - (k) Case note taking;
  - (l) Providing clinical training;
  - (m) Telephone triage;
  - (n) Case management;
  - (o) Program development; and
  - (p) Other clinical professional counselor administrative duties as required by the setting in which the clinical hours are accrued.
- (9) "Licensed clinical professional counselor" means an individual approved by the Board to practice clinical professional counseling.
- (10) "Licensed graduate professional counselor" means an individual approved by the Board to practice graduate professional counseling:
  - (a) Under the supervision of a Board-approved supervisor; and
  - (b) While fulfilling the supervised clinical experience for licensure under:
    - (i) Health Occupations Article, §17-304, Annotated Code of Maryland; and
    - (ii) Regulation .04 of this chapter.
- (11) "Practice clinical professional counseling" means:
  - (a) To engage professionally and for compensation in clinical professional counseling and appraisal activities by providing services involving the application of clinical professional counseling principles and methods in the diagnosis, crisis management, prevention, treatment, and amelioration of psychological problems, and emotional or mental conditions of individuals or groups; and
  - (b) The use of instruments that require specialized psychological training for administration and interpretation as described in Health Occupations Article, §17-310, Annotated Code of Maryland.
- (12) "Practice graduate professional counseling" means to practice clinical professional counseling:
  - (a) Under the supervision of a Board-approved supervisor; and
  - (b) While fulfilling the requirements for supervised experience under:
    - (i) Health Occupations Article, §17-304, Annotated Code of Maryland; and
    - (ii) Regulation .04 of this chapter.
- (13) "Psychotherapy" means providing clinical services which involve:
  - (a) The professional application of psychotherapy and counseling theories and methods, including but not limited to psychodynamic, cognitive, behavioral, humanistic, systems theories, or trauma informed care to assist the client in:

- (i) Improving functioning;
- (ii) Obtaining symptom relief;
- (iii) Preventing psychosocial dysfunction;
- (iv) Changing personality; or
- (v) Maintaining improved functioning; and

(b) Situations in which the principal discourse involves, but is not limited to:

- (i) Diagnosis of psychopathology based on standard diagnostic criteria;
- (ii) Psychotherapeutic treatment of mental disorders, emotional disorders, and adjustment reactions utilizing clinically appropriate treatment modalities;
- (iii) Childhood trauma and abuse;
- (iv) Identifying and changing self-defeating patterns of behaving, thinking, feeling, believing, or interacting with others in systems;
- (v) Developmental issues;
- (vi) Personality development; or
- (vii) Problems related to disorders of thinking, emotional suffering, addictions, behavior, or interpersonal dysfunctions.

(14) "Related field" means a profession using counseling whose academic requirements include degree programs from an accredited college or university that has curricula in areas such as expressive therapy, gerontology, human services, marriage and family therapy, mental health, pastoral counseling, psychology, psychotherapy, social work, and other areas approved by the Board.

(15) "Relative" means an individual connected to another by:

- (a) Blood;
- (b) Marriage;
- (c) Guardianship; or
- (d) Domestic partnership.

(16) "Supervised clinical experience in clinical professional counseling" means counseling services conducted under the supervision of a Board-approved supervisor.

(17) "Supervisee" means a licensed graduate professional counselor obtaining the supervised experience required by Health Occupations Article, §17-304, Annotated Code of Maryland.

(18) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, guides, monitors, instructs, and evaluates the supervisee's clinical professional counseling practice while promoting development of the supervisee's knowledge, skills, and abilities to provide clinical professional counseling services in an ethical and competent manner and includes an acceptance of direct responsibility for the client services rendered by the supervisee.

(19) *Supervision Training.*

- (a) "Supervision training" means a course or program designed to provide information regarding the clinical supervision process utilized by licensed clinical professional counselors in a variety of settings.
- (b) "Supervision training" includes training obtained through:
  - (i) Graduate-level course work;
  - (ii) Continuing education units (CEUs); or
  - (iii) Other training hours approved by the Board.

(20) "Under the supervision of a Board-approved supervisor" means engaging in an ongoing process of receiving direction from a Board-approved supervisor that includes:

- (a) Monitoring the performance of a supervisee; and
- (b) Documented and direct consultation, guidance, and instruction with respect to clinical skill and competency.

(21) "Written contract for supervision" means a Board-approved agreement between the supervisee and approved supervisor that is initiated before beginning supervision and that details the scope of supervision and includes at a minimum the following:

- (a) Name and credentials of the supervisor and the supervisee;
- (b) Primary purpose, goals, and objectives of the supervision process;
- (c) Details of provisions, including frequency, format, and case or chart review;
- (d) Methods of documentation;
- (e) Duties and responsibilities of the supervisor and the supervisee;
- (f) Procedural considerations in the case of the supervisor's absence; and
- (g) Information regarding the supervisor's scope of competence.

### **.03 Application Process for Licensure.**

A. In order to obtain a license, an applicant shall:

- (1) Complete and return the Board-approved application;
- (2) Submit an official transcript from an accredited educational institution awarding the highest degree attained in a clinical professional counseling or related field;
- (3) Pay all applicable fees set forth in COMAR 10.58.02;

(4) Submit to a criminal history background check in accordance with *Health Occupations Article, §17-501.1, Annotated Code of Maryland*;

(5) Be of good moral character; and

(6) Be at least 18 years old.

B. Applications shall be acted upon as follows:

(1) Within 30 days after receipt of an application, the Board shall determine whether the application is complete;

(2) If the Board determines that the application is not complete, the Board shall send a notice of deficiency to the applicant;

(3) Upon receipt of the notice, the applicant shall correct the deficiency within 90 days, or other period specified in the notice;

(4) If the applicant fails to correct the deficiency within the required period, the application may lapse and the applicant shall be required to:

(a) Submit a new application; and

(b) Pay the nonrefundable fee set forth in COMAR 10.58.02;

(5) If the Board determines that an applicant is eligible to take the required examinations, the Board shall send a notice of approval to the applicant;

(6) Upon receipt of the approval notice, the applicant shall have 1 year from the date of the notice to take the examinations; and

(7) If the applicant fails to take the examinations within 1 year from the date of the approval notice, the requirements set forth under §B(4) of this regulation shall apply.

**.04 Licensed Graduate Professional Counselors.**

A. To qualify for licensure as a graduate professional counselor, an applicant shall have:

(1) Completed one of the following from an accredited educational institution:

(a) A master's degree in a clinical professional counseling or related field with:

(i) A minimum of 60 graduate semester credit hours, or, if the master's program provides less than 60 graduate semester credit hours, requirements may be met by completing additional graduate courses as approved by the Board; or

(ii) 90 graduate quarter credit hours; or

(b) A doctoral degree in a clinical professional counseling or related field with:

(i) A minimum of 90 graduate semester credit hours; or

(ii) 135 graduate quarter credit hours;

(2) Completed a minimum of 3 semester credit hours or the equivalent quarter credit hours of course work in each of the following course content areas:

(a) Human growth and personality development;

(b) Social and cultural foundations of counseling;

(c) Counseling theory;

(d) Counseling techniques;

(e) Group dynamics, processing, and counseling;

(f) Lifestyle and career development;

(g) Appraisal;

(h) Research and evaluation;

(i) Professional, legal, and ethical responsibilities;

(j) Marriage and family therapy;

(k) Supervised field experience that includes a:

(i) Supervised clinical internship, externship, field experience, or practicum placement; and

(ii) Minimum of 125 direct clinical counseling service hours;

(l) Alcohol and drug counseling;

(m) Psychopathology; and

(n) Diagnosis and treatment of mental and emotional disorders;

(3) Achieved a passing score on:

(a) A national certification exam approved by the Board; and

(b) An examination of:

(i) *Health Occupations Article, Title 17, Annotated Code of Maryland*; and

(ii) This subtitle;

(4) Met all of the requirements set forth under Regulation .03 of this chapter; and

(5) Complied with:

(a) *Health Occupations Article, Title 17, Annotated Code of Maryland*; and

(b) The code of ethics as set forth in COMAR 10.58.03.

B. An applicant who fails an examination for licensure:

(1) May retake the exam if:

(a) It is within the time frame set by the applicable testing authority; or

(b) A waiver is approved by the Board to extend the testing deadline upon proof of exceptional circumstances; or

(2) Shall be required to:

- (a) Submit a new application; and
- (b) Pay the nonrefundable fee set forth in COMAR 10.58.02.

C. The Board shall act upon applications as set forth under Regulation .03B of this chapter.

D. A licensed graduate professional counselor shall practice clinical professional counseling under the supervision of a Board-approved supervisor.

E. A licensed graduate professional counselor may not:

- (1) Practice independent of supervision; or
- (2) Provide supervision.

F. *Expiration and Extension.*

- (1) The graduate professional counselor license expires 2 years after the date issued.

(2) If the graduate professional counselor licensee is unable to accumulate the required clinical hours for licensure as a clinical professional counselor in 2 years, the graduate professional counselor may apply on a Board-approved form for a 2-year extension before the current license expiration, up to a maximum of 6 years, except as provided in §F(4) of this regulation.

(3) For a graduate professional counselor who has been granted a 2-year extension, CEUs are not required for the first 2-year extension. Subsequent extensions approved by the Board shall be subject to the continuing education requirements in COMAR 10.58.05.

(4) A graduate professional counselor shall submit a written request for an extension beyond the 6-year maximum, which the Board may grant in certain circumstances.

G. *Reinstatement.*

(1) Within 5 calendar years after the license renewal date, the Board may reinstate the license of a licensed graduate professional counselor otherwise entitled to reinstatement under Health Occupations Article, §17-505(b), Annotated Code of Maryland, whose license was not renewed for any reason, if the licensee:

- (a) Completes within that 5-year period the minimum of 20 CEUs required for each year; and
- (b) Pays the reinstatement fee set by the Board in COMAR 10.58.02.

(2) CEUs which are acquired in order to reinstate under COMAR 10.58.05.05 and .06 may be credited only once and may not be credited for any future renewals.

(3) For any licensed graduate professional counselor whose license has expired more than 5 calendar years before the request for reinstatement, a new application for licensure shall be completed and the current licensure requirements shall be met.

(4) An individual who fails to reinstate licensure is not authorized to and may not practice graduate professional counseling.

#### **.05 Licensed Clinical Professional Counselors.**

A. To qualify for licensure as a clinical professional counselor the applicant shall have:

- (1) A graduate professional counselor license or other credential approved by the Board;

(2) For an applicant holding a master's degree, completed a minimum of 3 years and 3,000 hours of experience in clinical professional counseling, of which:

- (a) A minimum of the 1,500 hours shall be direct clinical counseling services;

- (b) A maximum of 1,500 hours may consist of indirect clinical counseling services;

(c) A minimum of 2,000 hours of supervised clinical experience as a licensed graduate professional counselor shall be completed after the awarding of the master's degree under a Board-approved supervisor;

(d) A maximum of 1,000 hours of supervised clinical experience may be acquired as supervised field experience as defined under Regulation .04A(2)(k) of this chapter;

(e) At least half of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under the supervision of a Board-approved supervisor who is a licensed clinical professional counselor;

(f) No more than half of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under a Board-approved supervisor as defined in Regulation .02B of this chapter; and

(g) 100 hours of face-to-face clinical supervision hours shall be completed within 2 years of the awarding of the master's degree, of which:

- (i) A minimum of 50 hours shall be individual face-to-face clinical supervision; and

- (ii) A maximum of 50 hours may be face-to-face group clinical supervision;

(3) For an applicant holding a doctoral degree, completed a minimum of 2,000 hours of experience in clinical professional counseling, of which:

(a) A minimum of 1,000 hours shall be face-to-face direct clinical counseling services and a maximum of 1,000 hours may consist of indirect clinical counseling services;

- (b) 1,000 hours shall be acquired after the doctoral degree has been awarded;

- (c) A maximum of 1,000 hours of clinical experience may be acquired before the awarding of the doctoral degree;

(d) At least half of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under the supervision of a Board-approved supervisor who is a licensed clinical professional counselor;

(e) No more than half of the requisite direct and indirect hours included as supervised clinical experience hours shall be completed under a Board-approved supervisor as defined in Regulation .02B of this chapter; and

(f) 50 hours of face-to-face clinical supervision hours shall be completed within 1 year of the awarding of the doctoral degree, including:

- (i) 25 hours shall be individual face-to-face clinical supervision; and

- (ii) A maximum of 25 hours may be face-to-face group clinical supervision;
- (4) Completed the required course work set forth under Regulation .04A(2) of this chapter;
- (5) Achieved a passing score on:
  - (a) A national certification exam approved by the Board; and
  - (b) An examination of:
    - (i) Health Occupations Article, Title 17, Annotated Code of Maryland; and
    - (ii) This subtitle;
- (6) Met all of the requirements set forth under Regulation .03 of this chapter; and
- (7) Complied with:
  - (a) Health Occupations Article, Title 17, Annotated Code of Maryland; and
  - (b) The code of ethics as set forth in COMAR 10.58.03.

B. An applicant who fails an examination for licensure:

- (1) May retake the exam if:
  - (a) It is within the time frame set by the applicable testing authority; or
  - (b) A waiver is approved by the Board to extend the testing deadline upon proof of exceptional circumstances; or
- (2) Shall be required to:
  - (a) Submit a new application; and
  - (b) Pay the nonrefundable fee set forth in COMAR 10.58.02.

C. The Board shall act upon applications as set forth under Regulation .03B of this chapter.

D. The Board may include hours of clinical supervised experience obtained in another jurisdiction toward the total 3,000 required hours of supervised experience required for the licensed clinical professional counselor, if the clinical experience hours:

- (1) Were obtained in accordance with the rules and regulations of that jurisdiction; and
- (2) Included the course work requirements set forth under Regulation .06D of this chapter.

E. Renewal.

- (1) To renew a clinical professional counselor license, the applicant shall:
  - (a) Submit a completed Board-approved application;
  - (b) Pay the required application fee set forth in COMAR 10.58.02; and
  - (c) Attest to completion of continuing education activities as specified in COMAR 10.58.05.05 and .06.
- (2) A licensed clinical professional counselor shall comply with the renewal requirements as provided in Health Occupations Article, §17-504, Annotated Code of Maryland.
- (3) An individual who fails to renew licensure is not authorized to and may not practice clinical professional counseling.

F. Reinstatement.

- (1) Within 5 calendar years after the license renewal date, the Board may reinstate the license of a licensed clinical professional counselor otherwise entitled to reinstatement under Health Occupations Article, §17-505(b), Annotated Code of Maryland, whose license was not renewed for any reason, if the licensee:
  - (a) Completes within that 5-year period the minimum of 20 CEUs required for each year; and
  - (b) Pays the reinstatement fee set by the Board in COMAR 10.58.02.
- (2) CEUs which are acquired in order to reinstate under COMAR 10.58.05.05 and .06 may be credited only once and may not be credited for any future renewals.
- (3) For any licensed clinical professional counselor whose license has expired more than 5 calendar years before the request for reinstatement, a new application for licensure shall be completed and the current licensure requirements shall be met.
- (4) An individual who fails to reinstate licensure is not authorized to and may not practice clinical professional counseling.

G. Inactive Status.

- (1) In accordance with Health Occupations Article, §17-505, Annotated Code of Maryland, a request to transfer a license to inactive status shall be granted upon receipt of the:
  - (a) Completed Board-approved application; and
  - (b) Payment of the required, nonrefundable, annual fee set forth in COMAR 10.58.02.
- (2) An individual may apply for inactive status only if the individual's license is still active at the time application for inactive status is made.
- (3) An individual on inactive status is not authorized to and may not practice clinical professional counseling.
- (4) Within 5 calendar years after being placed on inactive status, an individual seeking to be reinstated to active status shall be required, as a condition of reinstatement, to submit proof of having completed 20 CEUs for each year of inactive status, at least 40 of which shall have been obtained within the 2-year period immediately preceding the application for reinstatement.
- (5) If an individual on inactive status seeks to be reinstated beyond the required 5-year period and conditions set forth under § G(4) of this regulation, the individual shall be required to:
  - (a) Submit a new application; and
  - (b) Pay the nonrefundable fee set forth in COMAR 10.58.02.

**.06 Licensure Eligibility: Out-of-State Applicants.**

A. An applicant licensed as a clinical professional counselor or its equivalent, as established by the Board, in another state, territory, or jurisdiction is eligible for licensure if the applicant:

- (1) Provides:

- (a) A completed Board-approved application;
- (b) An official transcript from the educational institution which awarded the master's or doctoral degree;
- (c) A copy of a current license from each state, territory, or jurisdiction in which the applicant has been licensed, registered, or otherwise authorized to practice clinical professional counseling;
- (d) Documentation, satisfactory to the Board, that the applicant is currently licensed in good standing to practice clinical professional counseling in another state, territory, or jurisdiction; and
- (e) Verification that the applicant has:
  - (i) No history of disciplinary action, past or pending, in a state, territory, or jurisdiction in which the applicant holds a license to practice clinical professional counseling; and
  - (ii) Not committed any act or omission that would be grounds for discipline or denial of licensure under Health Occupations Article, §17-509, Annotated Code of Maryland;
- (2) Pays the application fee set forth in the COMAR 10.58.02;
- (3) Has achieved a passing score on:
  - (a) A national certification examination approved by the Board; and
  - (b) An examination of:
    - (i) Health Occupations Article, Title 17, Annotated Code of Maryland; and
    - (ii) COMAR 10.58;
- (4) Submits to a criminal history background check in accordance with Health Occupations Article, §17-501.1, Annotated Code of Maryland;
- (5) Meets the educational requirements for licensure in this State as a clinical professional counselor:
  - (a) As established in Regulation .05 of this chapter; or
  - (b) By providing documentation of the substitute educational and experience requirements outlined in §§B—E of this regulation;
- (6) Is of good moral character; and
- (7) Complies with:
  - (a) Health Occupations Article, Title 17, Annotated Code of Maryland; and
  - (b) The code of ethics as set forth in COMAR 10.58.03.

B. Waiver of Examination. The Board may waive any examination requirements for an applicant who satisfies the Board that the applicant:

- (1) Obtained licensure in a state or country that grants a similar endorsement to licensees of this State;
- (2) Became licensed in another state or country after passing an examination approved by the Board; and
- (3) Meets the qualifications otherwise required by Health Occupations Article, Title 17, Annotated Code of Maryland, and this chapter.

C. Equivalent Educational Requirements. The applicant shall provide documentation or transcripts confirming completion of a master's or doctoral degree in a professional counseling field from an accredited educational institution.

D. Waiver of Course Requirements. The Board may waive one or more course requirements specified in Regulation .04 of this chapter, except for documentation showing completion of a minimum of 3 graduate semester credit hours or the equivalent graduate quarter hours covering each of the following primary topics or content areas:

- (1) Diagnosis and psychopathology;
- (2) Psychotherapy and treatment of mental and emotional disorders, as described in Regulation .02B of this chapter; and
- (3) Professional, legal, and ethical responsibilities.

E. Equivalent Experience Requirements. The Board may waive the clinical experience requirements specified in Regulation .04 of this chapter as follows:

- (1) The applicant shall provide documentation, satisfactory to the Board, of one of the following for an applicant with:
  - (a) A master's degree consisting of:
    - (i) A minimum of 60 graduate credit hours; and
    - (ii) Not less than 3 years, with a minimum of 3,000 hours, of supervised clinical experience in clinical professional counseling, 2 years of which shall be completed after the award of the master's degree;
  - (b) A master's degree consisting of:
    - (i) Less than 60 graduate credit hours; and
    - (ii) Not less than 3 years' experience practicing as a licensed clinical professional counselor, with a minimum of 3,000 hours of clinical professional counseling experience; or
  - (c) A doctoral degree consisting of:
    - (i) Not less than 2 years practicing as a clinical professional counselor; or
    - (ii) A minimum of 2,000 hours of clinical professional counseling experience; and
- (2) The applicant shall provide verification, on a Board-approved form, from employers, supervisors, or colleagues that the applicant has practiced clinical professional counseling for the length of time stated in §E(1) of this regulation.

#### **.07 Standards for Supervision.**

A. Except as otherwise specified in this chapter, this chapter does not apply to personnel or management practices associated with contractual relationships or employment.

**B. A supervisor shall:**

- (1) Supervise only in those areas within the supervisor's competence as determined by education, training, and experience;
- (2) Provide supervision appropriate to the particular level of licensure being applied for or maintained;
- (3) Provide supervision in the general content areas established in Health Occupations Article, §17-304, Annotated Code of Maryland; and
- (4) Ensure that a supervisee has read and is knowledgeable about:
  - (a) Health Occupations Article, Title 17, Annotated Code of Maryland; and
  - (b) This subtitle, with special emphasis on the code of ethics under COMAR 10.58.03.

**C. In addition to the requirements of §B of this regulation, the supervisor shall specifically instruct and provide guidance:**

- (1) Relating to the supervisee's scope of practice of clinical professional counseling under Health Occupations Article, §17-101, Annotated Code of Maryland;
- (2) For services involving the application of therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals, families, couples or groups, as stated in Health Occupations Article, §17-308, Annotated Code of Maryland; and
- (3) To supervisees in appropriate billing practices, if applicable to the practice site, including:
  - (a) Record keeping;
  - (b) Disclosure of fees and financial arrangements; and
  - (c) Appropriate maintenance and destruction of clinical and financial records.

**D. The following individuals may not provide clinical supervision for a licensed graduate professional counselor supervisee:**

- (1) A relative; or
- (2) An individual with whom there could be a conflict of interest, including, but not limited to:
  - (a) An employee supervising their own employer; or
  - (b) A student supervising their own teacher.

**.08 Supervisor Qualifications.**

**A. Licensure.** An individual providing supervision shall be approved by the Board and licensed by the Board as a:

- (1) Clinical professional counselor;
- (2) Clinical professional art therapist;
- (3) Clinical alcohol and drug counselor;
- (4) Clinical marriage and family therapist; or
- (5) Mental health care provider as defined in Regulation .02B of this chapter.

**B. Experience, Education, and Training.**

- (1) A Board-approved supervisor shall have completed 2 years of active clinical practice experience:
  - (a) In clinical professional counseling, marriage and family therapy, professional art therapy, or alcohol and drug counseling;
  - (b) As a clinical professional counselor, marriage and family therapist, professional art therapist, or alcohol and drug counselor licensed or certified in another state, territory or jurisdiction that has requirements that are equivalent to or exceed the requirements of Health Occupations Article, §§17-302—17-304.1, Annotated Code of Maryland; or
  - (c) As another licensed mental health care provider as defined in Regulation .02B of this chapter.
- (2) A Board-approved supervisor shall have completed one of the following education and training experiences:
  - (a) At least 3 graduate semester credit hours or the equivalent quarter credit hours of academic course work in clinical supervision;
  - (b) A Board-approved continuing education program that includes a minimum of 18 continuing education units (CEUs) in:
    - (i) Clinical professional counseling supervision; or
    - (ii) Another behavioral health profession that is authorized to diagnose and treat mental and emotional disorders;
    - (c) The National Board of Certified Counselors (NBCC) Approved Clinical Supervisor (ACS) credential; or
    - (d) Supervision training as defined in Regulation .02B of this chapter.
  - (3) Supervision training required by this section may be obtained in a graduate course or a continuing education program as required under §B(2)(b) of this regulation that may include, but is not limited to:
    - (a) The role and responsibilities of the supervisor;
    - (b) The needs of the supervisee, supervisor, and the agency setting while maintaining a clear ethical perspective, including:
      - (i) The maintenance of appropriate boundaries; and
      - (ii) Making clinically appropriate diagnoses;
      - (c) The role of the supervisor as gatekeeper to the profession;
      - (d) Methods for building effective and appropriate relationships with clients;
      - (e) Models for group supervision; and
      - (f) Models and modalities for practice intervention.

**C. Pre-Supervision Responsibilities of a Supervisor.** In addition to meeting the requirements of this regulation, the Board-approved supervisor shall:

  - (1) File the completed Board-approved supervisor application form;

- (2) Provide the supervisee with a copy of the Board's licensed clinical professional counselor supervisor letter; and
- (3) Have an active license that is without restrictions or conditions due to disciplinary action for the 2 years preceding an application for Board-approved supervisor status.

D. A supervisor may be:

- (1) An agency-designated supervisor; or
- (2) An independent supervisor in private practice.

**.09 Supervisor Responsibilities.**

A supervisor shall:

A. Agree to and sign a written contract for supervision before initiating supervision;

B. Ensure that the supervisee is practicing within the scope of the supervisee's license;

C. Determine the skill level at which the supervisee may practice;

D. Focus on primary data from the supervisee's practice;

E. Maintain documentation of supervisory sessions for at least 7 years, including:

- (1) Dates;
- (2) Duration; and
- (3) Focus of the supervisory sessions;

F. Ensure that a supervisee has read and is knowledgeable about:

- (1) Health Occupations Article, Title 17, Annotated Code of Maryland; and
- (2) This subtitle with special emphasis on the code of ethics under COMAR 10.58.03;

G. Within a reasonable period of time before the conclusion of supervision, provide the supervisee and employer with a notice of termination to avoid or minimize any harmful effect on the supervisee's clients or patients;

H. Be responsible for the clinical professional practices of supervisees;

I. Provide:

- (1) For emergency supervision of and direction to a supervisee by a Board-approved supervisor;
- (2) A written evaluation of progress to the supervisee on a regular basis or as needed; and
- (3) A copy of the documentation required by §E of this regulation on request by the:
  - (a) Supervisee; or
  - (b) Board or its authorized agent; and

J. Comply with a Board audit of a Board-approved supervisor's compliance with regard to the supervisory requirements and responsibilities.

**.10 Supervisee Responsibilities.**

A. A supervisee shall:

- (1) Verify that the supervisor has been approved by the Board;
- (2) Agree to and sign a Board-approved contract before initiating supervision;
- (3) Attend and participate in supervision as agreed to in the supervision contract;
- (4) Prepare for supervision using case materials related to the supervisee's clinical professional counseling practice;
- (5) Maintain documentation of supervisory sessions for at least 7 years, to be available for verification to the Board or its authorized agent, including:
  - (a) Dates;
  - (b) Duration; and
  - (c) Focus of the supervision; and
- (6) Follow all terms of the written contract for supervision.

B. A supervisee may not engage in the practice of clinical professional counseling independent of supervision.

C. A supervisee shall give the client a copy of a professional disclosure statement as described in Health Occupations Article, §17-507, Annotated Code of Maryland, that:

- (1) Clearly states the counseling services are provided under clinical supervision; and
- (2) Provides the name of the supervisor with address and contact information.

D. A supervisee shall obtain from the client a signed:

- (1) Release of information; and
- (2) Informed consent for treatment which indicates that the client:
  - (a) Is aware that counseling services are being provided under clinical supervision;
  - (b) Consents to the recording of counseling sessions with the knowledge that the recording may only be shared with the supervisor; and
  - (c) Consents to the sharing of client information between the licensed graduate professional counselor and the named clinical supervisor.

ROBERT R. NEALL  
Secretary of Health