

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 841 (Delegate Smigiel, *et al.*)
Health and Government Operations

State Board of Professional Counselors and Therapists and State Board of Social
Work Examiners - Grounds for Denying Licenses and Certificates

This bill establishes grounds upon which the State Boards of Professional Counselors and Therapists and the State Board of Social Work Examiners may *not* issue a license or certificate.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The State Board of Professional Counselors and Therapists and the State Board of Social Workers are prohibited from issuing a license or certificate to an individual (1) who was formerly licensed or certified in another state and (2) whose license or certificate was revoked or surrendered because the individual was convicted of, or pled guilty or *nolo contendere* to, a felony or a crime involving moral turpitude – even if there is an appeal or other proceeding pending to have the conviction or plea set aside. An individual denied a license or certificate may only appeal the denial to the Secretary of Health and Mental Hygiene under extraordinary circumstances. Additionally, the boards are prohibited from issuing a license (or certificate as appropriate) to a sex offender who is required to register with a supervising authority.

Current Law:

Current Board Authority

Subject to hearing provisions, the State Board of Professional Counselors and Therapists has 19 grounds upon which the board, on the affirmative vote of a majority of its members, *may* deny, revoke, or suspend licensure or certification, or reprimand a licensee or certificate holder.

Subject to hearing provisions, the State Board of Social Workers has 21 grounds upon which the board, on the affirmative vote of a majority of its members, *may* deny, revoke, or suspend licensure, or reprimand a licensee.

The current grounds for denial for both boards generally encompass those under the bill for which denial would become *mandatory*.

Sex Offender Registration: Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland.

The federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 required all states to register sex offenders, sexually violent predators, and offenders who commit certain crimes against children. The federal Sex Offender Registration and Notification Act (SORNA), enacted as Title I of the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248), required additional enactments by the states.

In 2010, Maryland's sex offender registration laws were substantially revised to comply with SORNA and to increase penalties for certain sex offenses committed against minors. Among the enacted provisions, sexual offenders are now sorted into three separate tiers, replacing the four former categories of sexual offenders. A Tier I sex offender must register every six months for 15 years, a Tier II sex offender must register every six months for 25 years, and a Tier III sex offender must register every three months for life.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2014
mc/ljm

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