

# HOUSE BILL 1474

J2, J1

(5lr3306)

## ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by Delegates Kaiser, Kaufman, McComas, Nkongolo, and Taylor Taylor, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kerr, Kipke, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Ross, Szeliga, Taveras, White Holland, Woods, and Woorman

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Licensed Professional Counselors – Telehealth – Students Enrolled in~~  
3 ~~Institutions of Higher Education~~

4 State Board of Professional Counselors and Therapists – Temporary Telehealth  
5 Licenses – Establishment

6 FOR the purpose of ~~authorizing an out-of-state licensed professional counselor to provide~~  
7 ~~clinical professional counseling services to certain students enrolled in institutions~~  
8 ~~of higher education in the State under certain circumstances; and generally relating~~  
9 ~~to out-of-state licensed professional counselors and telehealth~~ establishing a  
10 temporary telehealth license to be issued by the State Board of Professional  
11 Counselors and Therapists under certain circumstances; and generally relating to

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 temporary licenses issued by the State Board of Professional Counselors and  
 2 Therapists.

3 BY repealing and reenacting, without amendments,

4 Article – Health Occupations

5 Section ~~1-1005~~ 17-101(a) and (e) and 17-301

6 Annotated Code of Maryland

7 (2021 Replacement Volume and 2024 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article – Health Occupations

10 Section ~~1-1005~~ 17-101(l)

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2024 Supplement)

13 BY adding to

14 Article – Health Occupations

15 Section ~~1-1005.1~~ 17-101(cc) and 17-304.2

16 Annotated Code of Maryland

17 (2021 Replacement Volume and 2024 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Health Occupations**

21 17-101.

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

23 (e) “Board” means the State Board of Professional Counselors and Therapists.

24 (l) (1) “License” means, unless the context requires otherwise, [one of six types  
 25 of licenses] A LICENSE issued by the Board authorizing an individual to practice:

26 [(1)] (I) Clinical alcohol and drug counseling;

27 [(2)] (II) Clinical marriage and family therapy;

28 [(3)] (III) Clinical professional art therapy;

29 [(4)] (IV) Clinical professional counseling;

30 [(5)] (V) Graduate alcohol and drug counseling;

31 [(6)] (VI) Graduate marriage and family therapy;

1            ~~[(7)] (VII) Graduate professional art therapy; or~~

2            ~~[(8)] (VIII) Graduate professional counseling.~~

3            **(2) “LICENSE” INCLUDES, UNLESS THE CONTEXT REQUIRES**  
4 **OTHERWISE, A TEMPORARY TELEHEALTH LICENSE.**

5            **(CC) “TEMPORARY TELEHEALTH LICENSE” MEANS A LICENSE ISSUED BY THE**  
6 **BOARD UNDER § 17-304.2 OF THIS TITLE.**

7 **17-301.**

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

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

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

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

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

24 **17-304.2.**

25            **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
26 **INDICATED.**

27            **(2) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING**  
28 **STATED IN § 10-101 OF THE EDUCATION ARTICLE.**

29            **(3) “STUDENT” MEANS AN OUT-OF-STATE RESIDENT ENROLLED AT**  
30 **AND RESIDING AT OR NEAR AN INSTITUTION OF HIGHER EDUCATION IN THE STATE.**

1           **(B) THE BOARD MAY ISSUE A TEMPORARY TELEHEALTH LICENSE TO AN**  
2 **APPLICANT WHO:**

3                   **(1) IS NOT LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY**  
4 **LAW TO PRACTICE CLINICAL PROFESSIONAL COUNSELING IN THE STATE UNDER**  
5 **THIS ARTICLE;**

6                   **(2) IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW TO**  
7 **PROVIDE CLINICAL PROFESSIONAL COUNSELING OR COUNSELING SERVICES IN**  
8 **ANOTHER STATE;**

9                   **(3) IS IN GOOD STANDING WITH THE REGULATORY AUTHORITY IN THE**  
10 **OTHER STATE;**

11                   **(4) MEETS ANY OTHER QUALIFICATIONS SET BY THE BOARD IN**  
12 **REGULATIONS; AND**

13                   **(5) SUBMITS A TEMPORARY TELEHEALTH LICENSE APPLICATION.**

14           **(C) A TEMPORARY TELEHEALTH LICENSE ISSUED UNDER THIS SECTION**  
15 **AUTHORIZES THE HOLDER TO PROVIDE CLINICAL PROFESSIONAL COUNSELING**  
16 **SERVICES THROUGH TELEHEALTH IN THE STATE ONLY TO A STUDENT ATTENDING**  
17 **AN INSTITUTION OF HIGHER EDUCATION IN THE STATE IF THE STUDENT AND THE**  
18 **OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR HAVE A PREVIOUSLY**  
19 **ESTABLISHED THERAPEUTIC RELATIONSHIP THAT HAS EXISTED FOR AT LEAST 6**  
20 **MONTHS.**

21           **(D) THE TERM OF A TEMPORARY TELEHEALTH LICENSE ISSUED UNDER THIS**  
22 **SECTION IS 6 MONTHS.**

23           **(E) A TEMPORARY TELEHEALTH LICENSE ISSUED UNDER THIS SECTION MAY**  
24 **NOT BE RENEWED.**

25           **(F) IF THE HOLDER OF A TEMPORARY TELEHEALTH LICENSE VIOLATES THIS**  
26 **TITLE, THE BOARD MAY NOT ISSUE THE INDIVIDUAL A REGULAR LICENSE UNDER**  
27 **THIS TITLE FOR AT LEAST 2 YEARS AFTER THE DATE ON WHICH THE VIOLATION**  
28 **OCCURRED.**

29           **(G) THE BOARD SHALL ADOPT REGULATIONS:**

30                   **(1) TO ESTABLISH QUALIFICATIONS AND APPLICATION FEES FOR A**  
31 **TEMPORARY TELEHEALTH LICENSE ISSUED UNDER THIS SECTION;**

1 (2) TO ESTABLISH ANY CONDITIONS OR LIMITATIONS APPLICABLE TO  
 2 A TEMPORARY TELEHEALTH LICENSEE; AND

3 (3) NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION, AND  
 4 ENFORCEMENT OF THIS SECTION.

5 ~~1-1005.~~

6 ~~[A] EXCEPT AS PROVIDED IN § 1-1005.1 OF THIS SUBTITLE, A health care~~  
 7 ~~practitioner providing health care services through telehealth must be licensed, certified,~~  
 8 ~~or otherwise authorized by law to provide health care services in the State if the health~~  
 9 ~~care services are being provided to a patient located in the State.~~

10 ~~1-1005.1.~~

11 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 12 ~~INDICATED.~~

13 ~~(2) "BOARD" MEANS THE STATE BOARD OF PROFESSIONAL~~  
 14 ~~COUNSELORS AND THERAPISTS.~~

15 ~~(3) "INSTITUTION OF HIGHER EDUCATION" HAS THE MEANING~~  
 16 ~~STATED IN § 10-101 OF THE EDUCATION ARTICLE.~~

17 ~~(3) (4) "OUT OF STATE LICENSED PROFESSIONAL COUNSELOR"~~  
 18 ~~MEANS A LICENSED PROFESSIONAL COUNSELOR WHO:~~

19 ~~(i) IS NOT LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED~~  
 20 ~~BY LAW TO PRACTICE CLINICAL PROFESSIONAL COUNSELING IN THE STATE UNDER~~  
 21 ~~THIS ARTICLE; BUT~~

22 ~~(ii) 1. IS LICENSED, CERTIFIED, OR OTHERWISE~~  
 23 ~~AUTHORIZED BY LAW TO PROVIDE CLINICAL PROFESSIONAL COUNSELING OR~~  
 24 ~~COUNSELING SERVICES IN ANOTHER STATE; AND~~

25 ~~2. IS IN GOOD STANDING WITH THE REGULATORY~~  
 26 ~~AUTHORITY IN THE OTHER STATE.~~

27 ~~(4) (5) "PRACTICE CLINICAL PROFESSIONAL COUNSELING" HAS~~  
 28 ~~THE MEANING STATED IN § 17-101 OF THIS ARTICLE.~~

29 ~~(5) (6) "STUDENT" MEANS AN OUT OF STATE RESIDENT~~  
 30 ~~ENROLLED AT AND RESIDING AT OR NEAR AN INSTITUTION OF HIGHER EDUCATION~~  
 31 ~~IN THE STATE.~~

~~(B) THIS SECTION DOES NOT APPLY WITH RESPECT TO A STUDENT:~~

~~(1) WHO ESTABLISHES RESIDENCY IN THE STATE; OR~~

~~(2) ENROLLED IN A HEALTH INSURANCE BENEFIT PLAN IN THE STATE THAT RESTRICTS COVERAGE TO IN-STATE HEALTH CARE PROVIDERS.~~

~~(C) AN OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR MAY PROVIDE CLINICAL PROFESSIONAL COUNSELING SERVICES THROUGH TELEHEALTH IN THE STATE ONLY TO A STUDENT ATTENDING AN INSTITUTION OF HIGHER EDUCATION IN THE STATE IF:~~

~~(1) THE STUDENT AND THE OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR HAVE A PREVIOUSLY ESTABLISHED THERAPEUTIC RELATIONSHIP THAT HAS EXISTED FOR AT LEAST 6 MONTHS; AND~~

~~(2) THE CLINICAL PROFESSIONAL COUNSELING SERVICES ARE PROVIDED TO THE STUDENT NOT MORE THAN:~~

~~(i) 5 DAYS IN ANY 1 MONTH; OR~~

~~(ii) 15 DAYS IN 1 CALENDAR YEAR. THE OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR:~~

~~(i) NOTIFIES THE BOARD THAT THE OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR WILL BE PROVIDING CLINICAL PROFESSIONAL COUNSELING SERVICES THROUGH TELEHEALTH TO A STUDENT ATTENDING AN INSTITUTION OF HIGHER EDUCATION IN THE STATE; AND~~

~~(ii) PROVIDES THE BOARD WITH THE OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR'S CONTACT AND LICENSING INFORMATION.~~

~~(D) IF THE INFORMATION PROVIDED UNDER SUBSECTION (C)(2)(ii) OF THIS SECTION CHANGES, THE OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR SHALL NOTIFY THE BOARD WITHIN 15 DAYS AFTER THE CHANGE OCCURS.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

~~(a) If the Counseling Compact Commission, established under the Interstate Licensed Professional Counselors Compact under Title 17, Subtitle 6B of the Health Occupations Article, begins issuing compact privileges to licensed professional counselors in member states to practice professional counseling in remote states in accordance with the Compact, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

1           ~~(b) The State Board of Professional Counselors and Therapists shall notify the~~  
2 ~~Department of Legislative Services within 5 days after receiving notice the Counseling~~  
3 ~~Compact Commission has begun issuing the compact privileges described under subsection~~  
4 ~~(a) of this section.~~

5           SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2025. ~~It shall remain effective for a period of 3 years and, at the end of September~~  
7 ~~30, 2028, this Act, with no further action required by the General Assembly, shall be~~  
8 ~~abrogated and of no further force and effect.~~

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.