

HOUSE BILL 1474

J2, J1

5lr3306

By: **Delegates Kaiser, Kaufman, McComas, Nkongolo, and Taylor**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing an out-of-state licensed professional counselor to provide
5 clinical professional counseling services to certain students enrolled in institutions
6 of higher education in the State under certain circumstances; and generally relating
7 to out-of-state licensed professional counselors and telehealth.

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 1–1005
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
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 1–1005.

22 **[A] EXCEPT AS PROVIDED IN § 1–1005.1 OF THIS SUBTITLE, A health care**
23 **practitioner providing health care services through telehealth must be licensed, certified,**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



or otherwise authorized by law to provide health care services in the State if the health care services are being provided to a patient located in the State.

1-1005.1.

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

(2) "INSTITUTION OF HIGHER EDUCATION" HAS THE MEANING STATED IN § 10-101 OF THE EDUCATION ARTICLE.

(3) "OUT-OF-STATE LICENSED PROFESSIONAL COUNSELOR" MEANS A LICENSED PROFESSIONAL COUNSELOR WHO:

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

(II) IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW TO PROVIDE CLINICAL PROFESSIONAL COUNSELING OR COUNSELING SERVICES IN ANOTHER STATE.

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

(5) "STUDENT" MEANS AN OUT-OF-STATE RESIDENT ENROLLED AT AND RESIDING AT OR NEAR AN INSTITUTION OF HIGHER EDUCATION 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; AND

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

3 **(I) 5 DAYS IN ANY 1 MONTH; OR**

4 **(II) 15 DAYS IN 1 CALENDAR YEAR.**

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

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

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2025.