

HOUSE BILL 1474

J2, J1

5lr3306

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

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER _____

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:

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.



Article – Health Occupations

1–1005.

[A] EXCEPT AS PROVIDED IN § 1–1005.1 OF THIS SUBTITLE, A health care practitioner providing health care services through telehealth must be licensed, certified, 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) “BOARD” MEANS THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS.

(3) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10–101 OF THE EDUCATION ARTICLE.

~~(3)~~ (4) “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) 1. IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW TO PROVIDE CLINICAL PROFESSIONAL COUNSELING OR COUNSELING SERVICES IN ANOTHER STATE; AND

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

~~(4)~~ (5) “PRACTICE CLINICAL PROFESSIONAL COUNSELING” HAS THE MEANING STATED IN § 17–101 OF THIS ARTICLE.

~~(5)~~ (6) “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 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.~~

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.