

HOUSE BILL 805

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By: **Delegate Hubbard**

Introduced and read first time: February 6, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Board of Professional Counselors and Therapists –**
3 **Denial of Applications**

4 FOR the purpose of requiring the State Board of Professional Counselors and
5 Therapists to include a certain checklist on a certain application form; requiring
6 the Board to review certain applications and notify certain applicants of certain
7 missing items within a certain amount of time; specifying a certain amount of
8 time within which certain applicants must complete certain applications;
9 authorizing certain applicants to request additional time to complete certain
10 applications under certain circumstances; requiring the Board, except under
11 certain circumstances, to issue or deny a certain license or certificate within a
12 certain amount of time; requiring the Board to provide a certain applicant with
13 a certain notice of the denial of a license or certificate under certain
14 circumstances; authorizing an applicant to request reconsideration of a denial of
15 a license or certificate within a certain amount of time; requiring the Board to
16 render a decision on a certain request for reconsideration of a denied application
17 within a certain amount of time; authorizing a certain applicant to appeal a
18 denial of a certain application within a certain amount of time; authorizing the
19 Board to require a certain fee to file a certain appeal; requiring the Board to
20 hold a certain hearing and render a certain decision within a certain amount of
21 time; authorizing a person aggrieved by a final decision of the Board to deny a
22 certain license or certificate to appeal as provided under a certain provision of
23 law; making a technical correction; and generally relating to applications for
24 licensure or certification by the State Board of Professional Counselors and
25 Therapists.

26 BY repealing and reenacting, with amendments,
27 Article – Health Occupations
28 Section 17–501, 17–503, and 17–512
29 Annotated Code of Maryland
30 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 17–501.

5 (A) To apply for a license or certificate, an applicant shall:

6 (1) Submit an application on the form that the Board requires; and

7 (2) Pay to the Board the application fee set by the Board.

8 (B) **ON THE FORM REQUIRED UNDER SUBSECTION (A)(1) OF THIS**
9 **SECTION, THE BOARD SHALL INCLUDE A CHECKLIST OF EACH ITEM REQUIRED**
10 **TO BE SUBMITTED TO THE BOARD BY AN APPLICANT FOR THE TYPE OF LICENSE**
11 **OR CERTIFICATE FOR WHICH THE APPLICANT IS APPLYING.**

12 (C) (1) **WITHIN 10 BUSINESS DAYS AFTER THE DATE OF RECEIPT OF**
13 **AN APPLICATION, THE BOARD SHALL REVIEW THE APPLICATION AND NOTIFY**
14 **THE APPLICANT OF ANY REQUIRED ITEMS FROM THE CHECKLIST THAT THE**
15 **APPLICANT FAILED TO SUBMIT.**

16 (2) **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**
17 **AN APPLICANT SHALL HAVE 30 BUSINESS DAYS AFTER THE DATE OF RECEIPT OF**
18 **A NOTICE OF ANY MISSING ITEMS TO COMPLETE AN APPLICATION.**

19 (D) **IF AN APPLICANT SUBMITS TO THE BOARD DOCUMENTATION OF A**
20 **TIMELY REQUEST TO A THIRD PARTY FOR REQUIRED INFORMATION, THE**
21 **APPLICANT MAY REQUEST ADDITIONAL TIME TO COMPLETE THE APPLICATION.**

22 17–503.

23 (a) The Board shall issue a license or certificate to any applicant who meets
24 the requirements of this title.

25 (B) (1) **EXCEPT FOR A DENIAL OF A LICENSE OR CERTIFICATE UNDER**
26 **§ 17–509 OF THIS TITLE, WITHIN 30 BUSINESS DAYS AFTER THE DATE OF**
27 **RECEIPT OF A COMPLETE APPLICATION, THE BOARD SHALL RENDER A**
28 **DECISION TO ISSUE OR DENY A LICENSE OR CERTIFICATE TO AN APPLICANT.**

29 (2) (I) **IF THE BOARD DOES NOT ISSUE A LICENSE OR**
30 **CERTIFICATE TO AN APPLICANT, THE BOARD SHALL NOTIFY THE APPLICANT BY**
31 **CERTIFIED MAIL WITHIN 5 BUSINESS DAYS AFTER THE DATE OF THE DENIAL.**

1 **(II) THE NOTICE SHALL INCLUDE:**

2 1. **THE REASON FOR THE DENIAL; AND**

3 2. **A. IF THIS IS THE FIRST DENIAL BY THE**
4 **BOARD, THE APPLICANT'S RIGHT TO REQUEST A RECONSIDERATION OF THE**
5 **APPLICATION OR TO APPEAL THE DENIAL WITHOUT A REQUEST FOR**
6 **RECONSIDERATION, INCLUDING THE PROCEDURES AND ANY FEES FOR AN**
7 **APPEAL; OR**

8 **B. IF THIS IS A DENIAL FOLLOWING A**
9 **RECONSIDERATION, THE APPLICANT'S RIGHT TO APPEAL THE DENIAL,**
10 **INCLUDING THE PROCEDURES AND ANY FEES FOR AN APPEAL.**

11 **(C) (1) WITHIN 10 BUSINESS DAYS AFTER THE DATE OF RECEIPT OF A**
12 **NOTICE OF DENIAL, AN APPLICANT MAY REQUEST THAT THE BOARD**
13 **RECONSIDER THE DENIAL.**

14 **(2) THE BOARD SHALL ASSIGN AN INDIVIDUAL OTHER THAN THE**
15 **INDIVIDUAL WHO INITIALLY REVIEWED THE APPLICATION TO REVIEW A**
16 **RECONSIDERATION OF AN APPLICATION.**

17 **(3) (I) THE BOARD SHALL RENDER A DECISION ON THE**
18 **RECONSIDERATION OF A DENIED APPLICATION WITHIN 5 BUSINESS DAYS AFTER**
19 **THE DATE OF RECEIPT OF THE REQUEST.**

20 **(II) IF THE BOARD DOES NOT ISSUE A LICENSE OR**
21 **CERTIFICATE TO AN APPLICANT AFTER RECONSIDERATION OF THE**
22 **APPLICATION, THE BOARD SHALL NOTIFY THE APPLICANT BY CERTIFIED MAIL**
23 **WITHIN 5 BUSINESS DAYS AFTER THE DATE OF THE DENIAL.**

24 **(4) IF THE BOARD APPROVES THE ISSUANCE OF A LICENSE OR**
25 **CERTIFICATE AFTER RECONSIDERATION OF AN APPLICATION, THE BOARD**
26 **SHALL ISSUE THE LICENSE OR CERTIFICATE WITHIN 5 BUSINESS DAYS AFTER**
27 **THE DATE OF APPROVAL.**

28 **(D) (1) IF THE BOARD DENIES AN APPLICATION UNDER SUBSECTION**
29 **(B) OF THIS SECTION OR AFTER A RECONSIDERATION OF THE APPLICATION**
30 **UNDER SUBSECTION (C) OF THIS SECTION, AN APPLICANT MAY APPEAL THE**
31 **DECISION TO THE BOARD WITHIN 5 BUSINESS DAYS AFTER RECEIPT OF THE**
32 **NOTICE REQUIRED UNDER SUBSECTION (B)(2)(I) OR (C)(3)(II) OF THIS SECTION.**

1 **(2) THE BOARD MAY REQUIRE A REASONABLE FEE FOR AN**
2 **APPLICANT TO FILE AN APPEAL UNDER THIS SUBSECTION.**

3 **(E) (1) THE BOARD SHALL HOLD A HEARING WITHIN 5 BUSINESS**
4 **DAYS AFTER THE DATE OF RECEIPT OF A NOTICE OF APPEAL AND ANY**
5 **REQUIRED FEE.**

6 **(2) THE BOARD SHALL RENDER A FINAL DECISION WITHIN 10**
7 **BUSINESS DAYS AFTER THE DATE OF THE HEARING.**

8 **(3) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE**
9 **BOARD UNDER THIS SUBSECTION MAY APPEAL THE DECISION AS PROVIDED**
10 **UNDER § 17-512 OF THIS TITLE.**

11 **[(b)] (F)** The Board shall include on each license and certificate that the
12 Board issues:

- 13 (1) The kind of license or certificate;
- 14 (2) The full name of the licensee or certificate holder;
- 15 (3) A serial number;
- 16 (4) The signatures of the chairman and the secretary of the Board; and
- 17 (5) The seal of the Board.

18 **[(c)] (G)** The Board may issue a license or certificate to replace a lost,
19 destroyed, or mutilated license or certificate if the licensee or certificate holder pays
20 the replacement fee set by the Board.

21 17-512.

22 (a) Except as provided in this section for an action under § [17-409] **17-509**
23 of this [title] **SUBTITLE**, any person aggrieved by a final decision of the Board in a
24 contested case, as defined in § 10-201 of the State Government Article, may:

- 25 (1) Appeal that decision to the Board of Review; and
- 26 (2) Then take any further appeal allowed by Title 10, Subtitle 2 of the
27 State Government Article.

28 (b) Any person aggrieved by a final decision of the Board under § 17-509 of
29 this subtitle:

1 (1) May not appeal to the Board of Review; but

2 (2) May take a direct judicial appeal as provided in Title 10, Subtitle 2
3 of the State Government Article.

4 (c) An order of the Board may not be stayed pending judicial review.

5 (d) The Board may appeal from any decision that reverses or modifies its
6 order.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2013.