

Department of Legislative Services
 Maryland General Assembly
 2013 Session

FISCAL AND POLICY NOTE

Senate Bill 345 (Senator Montgomery, *et al.*)
 Education, Health, and Environmental Affairs

State Board of Examiners of Psychologists - Psychology Associates - Licensure

This bill requires that an individual be licensed rather than approved by the State Board of Examiners of Psychologists before the individual may practice as a psychology associate in the State. The bill also increases the membership of the board from 9 to 10 by adding a licensed psychology associate member.

Fiscal Summary

State Effect: No effect in FY 2014 due to delayed implementation as planned by the board. Special fund revenues for the State Board of Examiners of Psychologists increase by an estimated \$81,300 in FY 2015 from fees for new psychology associate licenses. Future years reflect the biennial renewal pattern and new licensees. Special fund expenditures for the board increase by \$2,200 in FY 2015 to reimburse the additional board member. Future years reflect inflation.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
SF Revenue	\$0	\$81,300	\$39,100	\$68,800	\$68,800
SF Expenditure	\$0	\$2,200	\$2,200	\$2,200	\$2,200
Net Effect	\$0	\$79,100	\$36,900	\$66,600	\$66,500

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A licensed psychology associate may practice psychology only if (1) the individual is supervised by a licensed psychologist in accordance with board regulations; (2) the supervising licensed psychologist is jointly responsible for the provision of psychological services provided by the individual; and (3) the individual does not use any title other than “licensed psychology associate.”

The bill clarifies licensure requirements for psychologists and establishes such requirements for psychology associates. To qualify as a psychology associate, an applicant must be at least age 18, be of good moral character, and meet one of the following educational requirements:

- have a master’s degree in clinical psychology, counseling psychology, or school psychology;
- have a master’s degree in education with a specialization in psychology or counseling psychology;
- be a doctoral candidate in clinical psychology, counseling psychology, school psychology, or education with a specialization in psychology or counseling psychology; have completed at least three years of postgraduate education in psychology; and have passed preliminary doctoral examinations;
- have a doctoral degree in psychology or education with a specialization in psychology or counseling psychology; or
- have at least a master’s level degree from a program outside of the United States that is deemed to be equivalent by the board.

An applicant must also pass a national examination in the practice of psychology and the State jurisprudence examination. Psychology associates approved by the board prior to October 1, 2013, are exempt from these educational and examination requirements. All psychology associates will be required to submit to a criminal history records check (CHRC) at the time of initial licensure only, as is currently required of licensed psychologists.

The bill subjects psychology associates to the existing licensure, renewal, inactive status, reinstatement, and disciplinary procedures for licensed psychologists. Licenses are valid for a two-year period.

The bill adds a new ground for discipline for licensed psychologists for failure to supervise a licensed psychology associate in accordance with regulations adopted by the board. The board must adopt a code of ethics for psychology associates.

The licensed psychology associate member of the board must have practiced in Maryland for at least five years and be both a U.S. citizen and a Maryland resident. The Maryland Psychological Association must notify each licensed psychology associate of any vacancies on the board to solicit nominations to fill the vacancy and permit licensed psychology associates to vote in the balloting process.

Current Law: Psychology associates are unlicensed individuals who apply for an exemption to the licensing requirement and work under the direct supervision of a licensed psychologist who has been permitted by the board to supervise psychology associates. To be approved as a psychology associate, the applicant must, per *Code of Maryland Regulations* (COMAR) 10.36.07.03,:

- provide psychological services under the direct supervision of a licensed psychologist who takes full responsibility for the activities and services performed;
- have graduated with at least a master's degree in psychology or in a subject area whose content is primarily psychological in nature;
- be of good moral character;
- pay an application fee, which is 50% of the fee set for the psychologist license application;
- complete an application form approved by the board; and
- present all required documentation of the applicant's education, training, and experience.

Until recently, psychology associates were not required to renew their status. Regulations adopted in March 2011 (COMAR 10.36.07.07), require payment of a biennial administrative fee to effectively renew the psychology associate's authority to practice. At the time of license renewal, a licensed psychologist must submit to the board a list of all psychology associates supervised during the previous licensure period. The psychologist must also pay an administrative fee every two years from the initial date of the board's approval of the psychology associate for each psychology associate the psychologist is approved to supervise. Failure to pay the administrative fee results in termination of the supervisory relationship.

The board does not have the power to discipline psychology associates. Any discipline stemming from the actions of a psychology associate is taken solely on the supervising licensed psychologist.

The board is composed of nine members: seven licensed psychologists and two consumers. Of the seven licensed psychologists, at least two must be engaged primarily in providing psychological services and at least two must be engaged primarily in teaching, training, or research in psychology. The psychologist members must have practiced, taught, or engaged in research for at least five years, be a U.S. citizen, and be a resident of Maryland. Consumer members are prohibited, among other things, from having ever been a psychologist or having a household member who participates in a commercial or professional field related to psychology. Board members are appointed by the Governor with the advice and consent of the Senate. A list of nominations, compiled via a balloting process in which every licensed psychologist is eligible to vote, is submitted to the Secretary of Health and Mental Hygiene by the Maryland Psychological Association.

Background: The State Board of Examiners of Psychologists licenses psychologists and approves psychology associates. In fiscal 2012, the board regulated 4,906 licensed psychologists. According to the board, there are currently 450 psychology associates.

The board advises that the exemption for psychology associates was initially created to satisfy a postdoctoral training requirement for licensure as a psychologist. However, the majority of psychology associates maintain their associate status throughout their careers. The need for services provided by psychology associates, such as assistance with psychological testing, has greatly increased along with job opportunities for individuals with a master's degree in psychology or a related field.

State Revenues: Special fund revenues for the State Board of Examiners of Psychologists increase by \$81,250 in fiscal 2015 due to fee revenues from issuance of psychology associate licenses. The information and assumptions used in calculating the estimate are stated below:

- although the bill takes effect October 1, 2013, the board indicates that it will not begin issuing licenses until fiscal 2015, after it promulgates regulations and provides notice to psychology associates;
- all 450 psychology associates currently approved by the board will be issued a license in fiscal 2015 at a fee of \$225;
- as these individuals are exempt from examination requirements under the bill, no fee for those services will be collected by the board;

- in the absence of the bill, these individuals would have paid a \$100 fee to renew approval of their psychology associate status; therefore, actual new revenues to the board for each of these 450 individuals will be \$125;
- an additional 120 individuals not yet approved by the board as psychology associates will apply for a psychology associate license in fiscal 2015 at a total fee of \$300 (\$100 application fee and \$200 State jurisprudence examination fee); and
- in the absence of the bill, these individuals would have paid a \$100 fee for approval as a psychology associate; therefore, actual new revenues to the board for each of these individuals will be \$200 (the examination fee).

Special fund revenues for the board increase by \$39,063 in fiscal 2016 due to initial and renewal licensure fees. This figure reflects net new revenues to the board over those it would otherwise collect for the existing psychology associate approval. The estimate includes \$25,000 in revenues from an additional 125 new applicants for licensure and \$14,063 in revenues from renewal fees paid by one-half of the 450 psychology associates issued initial licenses in fiscal 2015. The renewal fee is \$225, but it is assumed that the board will charge only one-half of that fee to those individuals renewing in fiscal 2016 as their licenses will have been valid for only one year. The remaining 250 individuals first licensed in fiscal 2015 are anticipated to renew in fiscal 2017 at the full \$225 renewal fee. According to the board, renewals will be staggered in this manner in order to balance the workload and revenue stream over the two-year licensure cycle.

Special fund revenues for the board increase by \$68,750 in fiscal 2017 and future years, which reflects ongoing renewals and an estimated 125 new applicants annually. This figure reflects net new revenues to the board over those it would otherwise collect for the existing psychology associate approval. It does not reflect any potential increase (or decrease) in the number of new applicants for licensure or any attrition among licensed psychology associates, many of whom are expected to seek licensure as a psychologist once they meet the appropriate education and experience requirements.

State Expenditures: Special fund expenditures for the State Board of Examiners of Psychologists increase by a minimal amount beginning in fiscal 2015 from additional per diem and mileage reimbursement for the new psychology associate board member. According to the board, existing staff can handle any additional workload associated with the licensure requirement provided that the number of licensed psychology associates remains under 1,000. Future years reflect inflation.

Additional Comments: Each psychology associate applying for licensure will be subject to a CHRC at a cost of \$54.50 for a State and national CHRC including a

\$20 fingerprinting fee, a \$16.50 FBI fee, and an \$18 fee to the Criminal Justice Information System (CJIS) Central Repository in the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes.

Additional Information

Prior Introductions: None.

Cross File: HB 274 (Delegate Hubbard) - Health and Government Operations.

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

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