HOUSE BILL 113

J2 4lr0710
CF 4lr1088

By: **Delegate Hubbard**
Introduced and read first time: January 9, 2014
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

State Board of Examiners of Psychologists – Psychology Associates – Registration

FOR the purpose of requiring an individual, except under certain circumstances, to be registered by the Board before practicing psychology as a psychology associate in the State; specifying the circumstances under which a registered psychology associate is authorized to practice psychology in the State; repealing obsolete language regarding an exemption from licensure for psychology associates; requiring an individual to meet certain requirements to qualify for registration as a psychology associate; requiring an applicant for registration as a psychology associate, except under certain circumstances, to pass certain examinations; requiring the Board to grant a waiver of certain registration requirements to certain applicants; requiring an applicant for a registration to practice psychology to meet certain requirements; providing that an applicant who otherwise qualifies for a registration is entitled to be examined in a certain manner; providing that a registration authorizes a registrant to practice psychology while the registration is effective; requiring the Board to maintain a roster that contains the names and certain other information regarding registered psychology associates; providing that, except under certain circumstances, a registration expires on the date set by the Board; prohibiting the renewal of a registration for a term longer than a certain number of years; requiring the Board to send to a registrant a renewal notice by a certain method a certain number of days before the registration expires; specifying the content of a renewal notice sent to a registrant; requiring a registrant to notify the Board in writing of any change in the registrant's address within a certain period of time; authorizing a registrant to renew a registration for a certain term under certain circumstances; authorizing the Board to establish continuing education requirements as a condition to the renewal of registrations; requiring the Board to renew the registration of a registrant who meets the requirements of certain provisions of law; repealing the requirement that continuing education requirements set by the Board be standard for all

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

licensed psychologists; authorizing the Board, on a certain vote of its membership, to take certain action against a licensee if the licensee fails to supervise a registered psychology associate in accordance with certain regulations; authorizing the Board to impose a certain monetary penalty instead of suspending a registration or in addition to suspending or revoking a registration; authorizing the Board to direct a registrant to submit to a certain examination; providing that, in return for the privilege given to a registrant to practice psychology in the State, the registrant is deemed to have consented to a certain examination under certain circumstances and waived a certain claim of privilege; providing that the failure or refusal of a registrant to submit to a required examination is prima facie evidence of a registrant's inability to practice psychology competently, with a certain exception; prohibiting a decision of the Board in relation to a registration from being stayed pending judicial review; authorizing the Board to reinstate a registration that has been revoked; altering the prohibition on practicing, attempting to practice, or offering to practice psychology in the State to include a person who is not registered by the Board; altering certain definitions; defining certain terms; repealing a certain definition; making certain conforming and stylistic changes; and generally relating to the registration of psychology associates.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 18–101, 18–202, 18–206, 18–301, 18–302, 18–303, 18–304(a), 18–306, 18–307(a), 18–308 through 18–313, 18–313.1(a), 18–314(a), (b), and (c), 18–316(c), 18–317, and 18–401(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

18–101.

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

(b) "Board" means the State Board of Examiners of Psychologists.

(c) (1) "Doctoral degree in psychology" means:

(i) A degree received from a program that at the time the degree was awarded:

1. Is accredited by the American Psychological Association or the Canadian Psychological Association; or

2. Is listed in the designated doctoral programs in psychology published by the Council for the National Register of Health Service Providers in Psychology; or

(ii) A doctoral degree in psychology that the Council for the National Register of Health Service Providers in Psychology determines meets its criteria for a doctoral degree in psychology, if the degree was received from a doctoral program in psychology that:

1. Is located outside the United States and Canada;

2. Is currently accredited or designated in accordance with paragraph (1)(i) of this subsection, but was not accredited or designated at the time the degree was awarded;

3. Was completed prior to 1981 for United States programs;

4. Was completed prior to 1988 for Canadian programs; or

5. Is no longer in existence.

(2) (i) A determination by the Council under paragraph (1)(ii) of this subsection that a doctoral degree in psychology meets its criteria shall be considered by the Board as prima facie evidence that the degree meets those criteria.

(ii) In determining whether the degree in psychology meets the criteria described in paragraph (1)(ii) of this subsection and subparagraph (i) of this paragraph, the Board may consider the completion of postdoctoral course work in psychology, not to exceed 9 semester hours.

(d) "License" means, unless the context requires otherwise, a license issued by the Board to practice psychology **AS A PSYCHOLOGIST**.

(e) "Licensed psychologist" means**[**, unless the context requires otherwise, a psychologist**]** **AN INDIVIDUAL** who **MEETS THE REQUIREMENTS IN § 18–302(F) OF THIS TITLE AND** is licensed by the Board to practice psychology.

(f) (1) "Practice psychology" means to provide to any person:

(i) Any service for compensation involving the application of psychological principles, psychological methods, or psychological procedures for understanding, predicting, or influencing behavior, including the principles that relate to learning, perception, motivation, emotions, organizational relationships, and interpersonal relationships;

(ii) Any service for compensation involving the application of psychological methods or psychological procedures for interviewing, counseling, psychotherapy, behavior modification, or hypnosis; or

(iii) Any service for compensation involving the application of psychological methods or psychological procedures for constructing, administering, or interpreting tests of mental abilities, neuropsychological functioning, aptitudes, interests, attitudes, personality characteristics, emotions, or motivations.

(2) "Practice psychology" includes:

(i) The application of psychological principles and psychological methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups;

(ii) The use of psychological methods to assist an individual in acquiring greater human effectiveness or to modify feelings, conditions, attitudes, or behavior that is emotionally, intellectually, or socially ineffectual or maladjusted; and

(iii) The use of biofeedback instruments that do not pierce or cut the skin to measure physical and mental functioning.

(3) In this subsection, "psychological methods", "psychological principles", and "psychological procedures" include the body of information that can be derived from a graduate program in psychology, and other education or training recognized by the Board as prerequisites for a license under this title, and that does not amount to the practice of medicine.

[(g) "Psychologist" means an individual who practices psychology.**]**

(G) "REGISTERED PSYCHOLOGY ASSOCIATE" MEANS AN INDIVIDUAL WHO MEETS THE REQUIREMENTS IN § 18–302(G) OF THIS TITLE AND IS REGISTERED BY THE BOARD TO PRACTICE PSYCHOLOGY.

(H) "REGISTRATION" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PRACTICE PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE.

18–202.

(a) (1) The Board consists of 9 members.

(2) Of the 9 Board members:

(i) 2 shall be consumer members; and

(ii) 7 shall be licensed psychologists, of whom:

1. At least 2 shall be engaged primarily in providing psychological services; and

2. At least 2 shall be engaged primarily in teaching, training, or research in psychology.

(3) The Governor shall appoint the psychologist members, with the advice of the Secretary and the advice and consent of the Senate, from a list of names submitted to the Secretary by the Maryland Psychological Association.

(4) For each vacancy of a psychologist member, the Maryland Psychological Association shall:

(i) Notify all licensed psychologists in the State of the vacancy to solicit nominations to fill the vacancy; and

(ii) Conduct a balloting process where every licensed psychologist is eligible to vote to select the names of the licensed psychologists that will be submitted to the Governor.

(5) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(b) Each psychologist member of the Board shall be:

(1) A licensed psychologist who has practiced, taught, or engaged in research in psychology for at least 5 years;

(2) A citizen of the United States; and

(3) A resident of this State.

(c) Each consumer member of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been a psychologist **OR PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY ASSOCIATE**;

(3) May not have a household member who is a psychologist **OR PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY ASSOCIATE**;

(4) May not participate or ever have participated in a commercial or professional field related to psychology;

(5) May not have a household member who participates in a commercial or professional field related to psychology; and

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(d) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(e) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(f) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(6) A member may not serve more than 2 consecutive full terms.

(g) (1) The Governor may remove a member for incompetence or misconduct.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

18–206.

(a) In addition to the powers set forth elsewhere in this title, the Board may adopt rules and regulations to carry out the provisions of this title.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Establish procedures for receiving and investigating complaints, including:

(i) Providing notice to the [licensed psychologist] **LICENSEE OR REGISTRANT** that a complaint has been filed against the [licensed psychologist] **LICENSEE OR REGISTRANT** and forwarding a copy of the complaint to the [licensed psychologist] **LICENSEE OR REGISTRANT** within 120 days of receipt of the complaint, unless the Board:

1. Makes an affirmative determination that the disclosure would prejudice the investigation of the complaint and notifies the licensee **OR REGISTRANT** of the determination; or

2. Disposes of the complaint within 120 days of the date of receipt of the complaint; and

(ii) Notifying, at least every 3 months, the [licensed psychologist] **LICENSEE OR REGISTRANT** and the complainant as to the status of any outstanding complaint;

(2) Submit an annual report of its activities to the Secretary as soon as practicable after the end of each fiscal year; and

(3) Adopt an official seal.

18–301.

(a) Except as otherwise provided in this section, an individual shall be licensed **OR REGISTERED** by the Board before the individual may practice psychology **AS A PSYCHOLOGIST OR PSYCHOLOGY ASSOCIATE** in this State.

(B) A REGISTERED PSYCHOLOGY ASSOCIATE MAY PRACTICE PSYCHOLOGY IN THIS STATE ONLY IF:

(1) THE REGISTERED PSYCHOLOGY ASSOCIATE IS SUPERVISED BY A LICENSED PSYCHOLOGIST IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD;

(2) THE SUPERVISING LICENSED PSYCHOLOGIST IS JOINTLY RESPONSIBLE FOR THE PROVISION OF PSYCHOLOGICAL SERVICES BY THE REGISTERED PSYCHOLOGY ASSOCIATE; AND

(3) THE REGISTERED PSYCHOLOGY ASSOCIATE DOES NOT USE ANY TITLE OTHER THAN "REGISTERED PSYCHOLOGY ASSOCIATE".

[(b)] **(C)** Subject to the rules and regulations of the Board, this section does not apply to:

(1) The activities and services of and the use of an official title by an individual employed by any agency of the federal government, this State, or any political subdivision of this State, or a chartered educational institution while performing the duties of that employment;

(2) The education–related services described in regulations adopted by the State Department of Education that are performed by a certified school psychologist:

(i) While performing the duties of employment of the certified school psychologist; or

(ii) While conducting staff development and training workshops for compensation;

(3) The activities and services of a student, intern, resident or fellow while pursuing a supervised course of study in psychology that the Board approves as qualifying training and experience under this title; **AND**

(4) **[**The activities and services of an individual while performing psychological services under the direct supervision of a licensed psychologist who takes full responsibility for the activities and services performed, if the supervised individual has graduated from an accredited college or university with at least a master's degree based on a program of studies whose content was primarily psychological or a program judged by the Board to be substantially equivalent in subject matter and extent of training to a master's or doctoral degree in psychology, provided that:

(i) The supervised individual may not use any title other than "psychology associate";

(ii) The supervised individual has applied to the Board for an exemption under this section; and

(iii) The supervised individual has received an exemption under this section within 6 months of application unless the Board grants an extension; and

(5)**]** The activities and services of an individual licensed or certified as a psychologist in any state who recently has become a resident of this State and has an application for a license approved by the Board, provided that the individual passes the first scheduled examination for which the applicant is eligible.

[(c)**] (D)** If, for good cause, an applicant for a license under subsection **[**(b)(5)**] (C)(4)** of this section is unable to take the first scheduled examination for which the applicant is eligible, the Board may grant an extension to the individual to take the next scheduled examination for which the applicant is eligible.

[(d)**] (E)** The Board may authorize an unlicensed individual to practice psychology, subject to any limitations the Board imposes, if:

(1) The Board finds that the circumstances warrant; and

(2) The individual:

(i) Is not a resident of this State; and

(ii) Meets the qualifications, other than residence and examination, for a license.

[(e)**] (F) (1)** The exceptions of subsection **[**(b)(1)**] (C)(1)** of this section do not apply to individuals who are employed by the Department, a county health department, the Baltimore City Health Department, the Department of State Police, or the Department of Public Safety and Correctional Services after July 1, 1985.

(2) An individual who is employed by any of the departments under this subsection on July 1, 1985 but who is not licensed by the Board shall function under the direct supervision of a licensed psychologist who takes full responsibility for the psychological services provided by the individual.

18–302.

(a) To qualify for a license **OR REGISTRATION**, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

[(d) The applicant shall have a doctoral degree in psychology as defined in § 18–101(c) of this title.

(e) Except as otherwise provided in this subtitle, the applicant shall pass an examination given by the Board under this subtitle.

(f) The applicant shall have at least 2 years of professional supervised experience in psychology that is approved by the Board in accordance with regulations adopted by the Board.**]**

[(g)**] (D)** (1) Except as provided in this subsection, an applicant shall reside or practice, or intend to reside or practice, in this State.

(2) The Board may issue a license **OR REGISTRATION** to an applicant who is neither a resident of this State nor practicing in this State if the applicant

shows that issuing the license **OR REGISTRATION** would be in the interest of the citizens or government of this State.

[(h)**] (E)** The applicant shall submit to a criminal history records check in accordance with § 18–302.1 of this subtitle.

(F) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE A LICENSED PSYCHOLOGIST, AN APPLICANT SHALL:

(1) HAVE A DOCTORAL DEGREE IN PSYCHOLOGY; AND

(2) HAVE AT LEAST 2 YEARS OF PROFESSIONAL, SUPERVISED EXPERIENCE IN PSYCHOLOGY THAT IS APPROVED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

(G) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION AND IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE A REGISTERED PSYCHOLOGY ASSOCIATE, AN APPLICANT SHALL:

(1) HAVE A MASTER'S DEGREE IN CLINICAL PSYCHOLOGY, COUNSELING PSYCHOLOGY, OR SCHOOL PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION;

(2) HAVE A MASTER'S DEGREE IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION;

(3) BE ADMITTED TO CANDIDACY FOR A DOCTORAL DEGREE IN CLINICAL PSYCHOLOGY, COUNSELING PSYCHOLOGY, SCHOOL PSYCHOLOGY, OR EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY IN A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, AFTER HAVING SATISFACTORILY:

(I) COMPLETED AT LEAST 3 YEARS OF POSTGRADUATE EDUCATION IN PSYCHOLOGY; AND

(II) PASSED PRELIMINARY DOCTORAL EXAMINATIONS;

(4) HAVE COMPLETED A DOCTORAL DEGREE IN PSYCHOLOGY OR IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION; OR

(5) HAVE AT LEAST A MASTER'S LEVEL DEGREE FROM A PROGRAM OUTSIDE THE UNITED STATES THAT HAS BEEN DETERMINED BY THE BOARD TO BE EQUIVALENT TO A DEGREE LISTED IN ITEM (1), (2), OR (4) OF THIS SUBSECTION.

(H) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, AN APPLICANT SHALL SUCCESSFULLY PASS:

(1) A NATIONAL EXAMINATION IN THE PRACTICE OF PSYCHOLOGY; AND

(2) THE STATE JURISPRUDENCE EXAMINATION.

(I) THE BOARD SHALL GRANT A WAIVER OF THE REQUIREMENTS OF SUBSECTIONS (G) AND (H) OF THIS SECTION TO AN APPLICANT FOR A PSYCHOLOGY ASSOCIATE REGISTRATION IF THE APPLICANT WAS APPROVED BY THE BOARD BEFORE OCTOBER 1, 2014, TO PRACTICE PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE UNDER THE SUPERVISION OF A LICENSED PSYCHOLOGIST.

18–303.

To apply for a license **OR REGISTRATION** to practice psychology, an applicant shall:

(1) Submit a verified application to the Board on the form that the Board requires;

(2) Pay to the Board the application fee set by the Board; and

(3) Submit to a criminal history records check in accordance with § 18–302.1 of this subtitle.

18–304.

(a) An applicant who otherwise qualifies for a license **OR REGISTRATION** is entitled to be examined as provided in this section.

18–306.

(a) The Board shall issue a license **OR REGISTRATION** to any applicant who meets the requirements of this title.

(b) The Board shall include on each license **OR REGISTRATION** that the Board issues:

(1) The full name of the **[**licensed psychologist**]** **LICENSEE OR REGISTRANT**;

(2) The dates of issuance and expiration;

(3) A serial number;

(4) The signatures of the chairman and the vice chairman of the Board; and

(5) The seal of the Board.

(c) (1) On receipt of the criminal history record information of an applicant for licensure **OR REGISTRATION** forwarded to the Board in accordance with § 18–302.1 of this subtitle, in determining whether to grant a license or **[**certificate**]** **REGISTRATION**, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The circumstances surrounding the crime;

(iii) The length of time that has passed since the crime;

(iv) Subsequent work history;

(v) Employment and character references; and

(vi) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license **OR REGISTRATION** if the criminal history record information required under § 18–302.1 of this subtitle has not been received.

18–307.

(a) Except as otherwise provided in this section, a license **OR REGISTRATION** authorizes the licensee **OR REGISTRANT** to practice psychology while the license **OR REGISTRATION** is effective.

18–308.

(a) The Board shall maintain a roster that contains the name and address of each psychologist **AND PSYCHOLOGY ASSOCIATE** currently licensed **OR**

REGISTERED, listed alphabetically by name and geographically by address, and any other information the Board considers desirable.

(b) The Board shall:

(1) Respond to inquiries from the public regarding information contained in the roster; and

(2) Provide copies of the roster by mail to the public on request.

18–309.

(a) (1) A license **OR REGISTRATION** expires on the date set by the Board, unless it is renewed for an additional term as provided in this section.

(2) A license **OR REGISTRATION** may not be renewed for a term longer than 2 years.

(b) (1) **(I)** At least 90 days before **[**the**]** **A** license expires, the Board shall send a renewal notice to the licensee:

[(i)**]** **1.** By first–class mail to the last known address of the licensee; or

[(ii)**]** **2.** If requested by the licensee, by electronic means to the last known electronic mail address of the licensee.

[(2)**]** **(II)** If a renewal notice sent by electronic means under **[**paragraph (1)(ii)**]** **SUBPARAGRAPH (I)2** of this **[**subsection**]** **PARAGRAPH** is returned to the Board as undeliverable, the Board shall send a renewal notice to the licensee by first–class mail to the last known address of the licensee.

(2) AT LEAST 90 DAYS BEFORE A REGISTRATION EXPIRES, THE BOARD SHALL SEND A RENEWAL NOTICE TO THE REGISTRANT:

(I) BY FIRST–CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE REGISTRANT; OR

(II) BY ELECTRONIC MEANS TO THE LAST KNOWN ELECTRONIC MAIL ADDRESS OF THE REGISTRANT.

(c) The renewal notice sent under subsection (b) of this section shall state:

(1) The date on which the current license **OR REGISTRATION** expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license **OR REGISTRATION** expires; and

(3) The amount of the renewal fee.

(d) Each licensee **OR REGISTRANT** shall notify the Board in writing of any change in the licensee's **OR REGISTRANT'S** address or electronic mail address within 30 days after the change occurs.

(e) Before the license **OR REGISTRATION** expires, the licensee **OR REGISTRANT** periodically may renew it for an additional 2–year term, if the licensee **OR REGISTRANT**:

(1) Otherwise is entitled to be licensed **OR REGISTERED**;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education requirements set under this section for license **OR REGISTRATION** renewal.

(f) (1) The Board may establish continuing education requirements as a condition to the renewal of licenses **OR REGISTRATIONS** under this section.

(2) The requirements established under this subsection shall be**[**:

(i) Set**]** **SET** by the Board as to the amount and type of study required**[**; and

(ii) Standard for all licensed psychologists**]**.

(g) The Board shall renew the license **OR REGISTRATION** of each licensee **OR REGISTRANT** who meets the requirements of this section.

18–310.

(a) (1) The Board shall place a licensee on inactive status, if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) (i) The Board shall license an individual on inactive status who applies for a license if the individual:

1. Complies with the renewal requirements that exist at the time the individual changes from inactive status to active status; and

2. Meets the continuing education requirements set by the Board.

(ii) The Board may not require payment of a late fee by an individual as a condition to licensing under this paragraph.

(b) The Board shall reinstate the license **OR REGISTRATION** of a psychologist **OR PSYCHOLOGY ASSOCIATE [**who has not been put on inactive status and**]** who has failed to renew the license **OR REGISTRATION** for any reason if the psychologist **OR PSYCHOLOGY ASSOCIATE**:

(1) Meets the renewal requirements of § 18–309 of this subtitle;

(2) Pays to the Board a reinstatement fee set by the Board; and

(3) Applies to the Board for reinstatement of the license **OR REGISTRATION** within 5 years after the license **OR REGISTRATION** expires.

(c) **(1)** The Board may not reinstate the license **OR REGISTRATION** of a psychologist **OR PSYCHOLOGY ASSOCIATE** who fails to apply for reinstatement of the license **OR REGISTRATION** within 5 years after the license **OR REGISTRATION** expires. **[**However, the**]**

(2) A psychologist **OR PSYCHOLOGY ASSOCIATE WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE OR REGISTRATION WITHIN 5 YEARS AFTER THE LICENSE OR REGISTRATION EXPIRES** may become licensed **OR REGISTERED** by meeting the current requirements for obtaining a new license **OR REGISTRATION** under this title.

18–311.

(a) **(1)** The Board shall adopt a code of ethics for psychologists **AND PSYCHOLOGY ASSOCIATES** in this State.

(2) The code of ethics **ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall be designed to protect the public interest.

(b) In adopting the code of ethics, the Board shall consider:

(1) The ethical standards of psychologists published by the American Psychological Association; and

(2) The professional character of psychological services.

(c) In adopting the code of ethics, the Board shall announce and hold public hearings on the subject.

18–312.

(a) Unless the Board agrees to accept the surrender of a license **OR REGISTRATION**, a licensed psychologist **OR REGISTERED PSYCHOLOGY ASSOCIATE** may not surrender the license **OR REGISTRATION** nor may the license **OR REGISTRATION** lapse by operation of law while the licensee **OR REGISTRANT** is under investigation or while charges are pending against the psychologist **OR PSYCHOLOGY ASSOCIATE**.

(b) The Board may set conditions on its agreement with the psychologist **OR PSYCHOLOGY ASSOCIATE** under investigation or against whom charges are pending to accept surrender of the psychologist's license **OR PSYCHOLOGY ASSOCIATE'S REGISTRATION**.

18–313.

Subject to the hearing provisions of § 18–315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license **OR REGISTRATION** to any applicant, reprimand any licensee **OR REGISTRANT**, place any licensee **OR REGISTRANT** on probation, or suspend or revoke a license **OR REGISTRATION** of any licensee **OR REGISTRANT** if the applicant **[**or licensee**], LICENSEE, OR REGISTRANT**:

(1) Fraudulently or deceptively obtains or attempts to obtain a license **OR REGISTRATION** for the applicant **[**or licensee**], LICENSEE, OR REGISTRANT** or for another;

(2) Fraudulently or deceptively uses a license **OR REGISTRATION**;

(3) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(4) Is or has been addicted to any narcotic or habitually intoxicated;

(5) Aids or abets an unauthorized person in practicing psychology or representing oneself to be a psychologist **OR A PSYCHOLOGY ASSOCIATE**;

(6) Practices psychology fraudulently or deceitfully;

(7) Violates the code of ethics adopted by the Board under § 18–311 of this subtitle;

(8) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

(9) Submits a false statement to collect a fee;

(10) Willfully makes or files a false report or record in the practice of psychology;

(11) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the United States Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(12) Violates any provision of this title or any regulation adopted by the Board;

(13) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;

(14) Is professionally, physically, or mentally incompetent;

(15) Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(16) Behaves immorally in the practice of psychology;

(17) Commits an act of unprofessional conduct in the practice of psychology;

(18) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee **OR REGISTRANT** is licensed **OR REGISTERED** and qualified to render because the individual is HIV positive;

(19) Fails to cooperate with a lawful investigation conducted by the Board;

(20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology; **[**or**]**

(21) Fails to submit to a criminal history records check in accordance with § 18–302.1 of this subtitle**; OR**

(22) FAILS TO SUPERVISE A REGISTERED PSYCHOLOGY ASSOCIATE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

18–313.1.

(a) If, after a hearing under § 18–315 of this subtitle, the Board finds that there are grounds under § 18–313 of this subtitle to suspend or revoke a license **OR REGISTRATION** or to reprimand a licensee **OR REGISTRANT**, the Board may impose a monetary penalty not exceeding $10,000:

(1) Instead of suspending the license **OR REGISTRATION**; or

(2) In addition to suspending or revoking the license **OR REGISTRATION**.

18–314.

(a) If, in investigating an allegation brought against a licensee **OR REGISTRANT** under this title, the Board has reason to believe that the licensee **OR REGISTRANT** may cause harm to persons affected by the licensee's **OR REGISTRANT'S** practice of psychology, the Board, on its own initiative, may direct the licensee **OR REGISTRANT** to submit to an appropriate examination by a psychologist or physician designated by the Board.

(b) In return for the privilege given to a licensee **OR REGISTRANT** to practice psychology in the State, the licensee **OR REGISTRANT** is deemed to have:

(1) Consented to submit to an examination under this section, if requested by the Board in writing; and

(2) Waived any claim of privilege as to the testimony or examination reports of the examining psychologist or physician.

(c) The failure or refusal of the licensee **OR REGISTRANT** to submit to an examination required under subsection (b) of this section is prima facie evidence of the licensee's **OR REGISTRANT'S** inability to practice psychology competently, unless the Board finds that the failure or refusal was beyond the control of the licensee **OR REGISTRANT**.

18–316.

(c) A decision of the Board to deny a license **OR REGISTRATION**, enforce a suspension of a license **OR REGISTRATION** for more than 1 year, or revoke a license **OR REGISTRATION** may not be stayed pending judicial review.

18–317.

For reasons the Board considers sufficient, and on the affirmative vote of a majority of its members then serving, the Board may:

(1) Reinstate a license **OR REGISTRATION** that has been revoked;

(2) Reduce the period of a suspension; or

(3) Withdraw a reprimand.

18–401.

(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice psychology in this State unless licensed **OR REGISTERED** by the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.