

By: Senator Hollinger

Requested: October 18, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Licensure of Psychologists - Exceptions**

3 FOR the purpose of clarifying the law relating to certain individuals who may practice
4 psychology in the State without a license; and generally relating to the practice of
5 psychology in the State.

6 BY repealing and reenacting, without amendments,
7 Article - Health Occupations
8 Section 18-102
9 Annotated Code of Maryland
10 (1994 Replacement Volume and 1995 Supplement)
11 (As enacted by Chapter 598 of the Acts of the General Assembly of 1995)

12 BY repealing and reenacting, with amendments,
13 Article - Health Occupations
14 Section 18-301
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1995 Supplement)
17 (As enacted by Chapter 598 of the Acts of the General Assembly of 1995)

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

20 **Article - Health Occupations**

21 18-102.

22 Unless the individual uses as a title or describes the services the individual provides
23 by use of the words "psychological", "psychologist", or "psychology", this title does not
24 limit:

25 (1) The right of an individual to practice a health occupation that the
26 individual is licensed, certified, or otherwise authorized to practice under this article;

27 (2) The right of an individual to provide vocational rehabilitation services as
28 authorized under Title 9, Subtitle 6 of the Labor and Employment Article;

1 (3) The employment related activities and services of an individual who is
2 employed by an alcohol and drug abuse program or facility that is accredited by the Joint
3 Commission on Accreditation of Health Care Organizations or that is certified under
4 Title 8, Subtitle 4 of the Health - General Article; or

5 (4) The nonprofit activities and services of a bona fide religious organization
6 that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

7 18-301.

8 (a) Except as otherwise provided in this section, an individual shall be licensed by
9 the Board before the individual may practice psychology in this State.

10 (b) Subject to the rules and regulations of the Board, this section does not apply
11 to:

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

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

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

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

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

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

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

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

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

38 (5) The activities and services of an individual licensed or certified as a
39 psychologist in any state who recently has become a resident of this State and has an

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1 application for a license approved by the Board, provided that the individual passes the
2 first scheduled examination for which the applicant is eligible[;].

3 [(6) The employment related activities and services of an individual who is
4 employed by an alcohol and drug abuse program or facility that is accredited by the Joint
5 Commission on Accreditation of Health Care Organizations or that is certified under
6 Title 8, Subtitle 4 of the Health - General Article; and

7 (7) The nonprofit activities or services of a bona fide religious organization
8 that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.]

9 (c) If, for good cause, an applicant for a license under subsection (b)(5) of this
10 section is unable to take the first scheduled examination for which the applicant is
11 eligible, the Board may grant an extension to the individual to take the next scheduled
12 examination for which the applicant is eligible.

13 (d) The Board may authorize an unlicensed individual to practice psychology,
14 subject to any limitations the Board imposes, if:

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

16 (2) The individual:

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

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

20 (e) The exceptions of subsection (b)(1) of this section do not apply to individuals
21 who are employed by the Department, a county health department, the Baltimore City
22 Health Department, the Department of State Police, or the Department of Public Safety
23 and Correctional Services after July 1, 1985. An individual who is employed by any of the
24 departments under this subsection on July 1, 1985 but who is not licensed by the Board
25 shall function under the direct supervision of a licensed psychologist who takes full
26 responsibility for the psychological services provided by the individual.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1996.