

(PRE-FILED)

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**By: Senator Hollinger**

Requested: October 18, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 7, 1996

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CHAPTER \_\_\_\_

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:

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1           **Article - Health Occupations**

2 18-102.

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

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

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

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

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

16 18-301.

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

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

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

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

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

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

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

34                   (4) The activities and services of an individual while performing  
35 psychological services under the direct supervision of a licensed psychologist who takes  
36 full responsibility for the activities and services performed, if the supervised individual  
37 has graduated from an accredited college or university with at least a master's degree  
38 based on a program of studies whose content was primarily psychological or a program

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1 judged by the Board to be substantially equivalent in subject matter and extent of training  
2 to a master's or doctoral degree in psychology, provided that:

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

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

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

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

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

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

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

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

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

26 (2) The individual:

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

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

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

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

