

Department of Legislative Services
 Maryland General Assembly
 1999 Session

FISCAL NOTE

House Bill 989 (Delegate Nathan-Pulliam)

Environmental Matters

State Board of Examiners of Psychologists -
 Disciplinary and Regulatory Authority

This bill expands and defines the State Board of Examiners of Psychologists' disciplinary and regulatory authority over applicants and licensees.

Fiscal Summary

State Effect: General fund revenues could increase by \$20,000 for FY 2000. Future year revenues are expected to remain relatively constant. No effect on expenditures.

(in dollars)	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004
GF Revenues	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
GF Expenditures	\$0	\$0	\$0	\$0	\$0
Net Effect	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000

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

Local Effect: None.

Small Business Effect: Potential minimal. Psychologists would be subject to monetary penalties as a result of disciplinary actions.

Fiscal Analysis

Bill Summary: This bill allows the State Board of Examiners of Psychologists to disclose any information contained in a record of the board to any other health occupations regulatory board of this State or another state if the health occupations regulatory board requests the information in writing. The board, its executive director or administrator, or the Office of the

Attorney General may disclose to any licensing or disciplinary authority or other law enforcement, prosecutorial, or judicial authority, any information in the board's investigatory files.

In addition, the bill allows the board to deny a license, reprimand a licensee, place a licensee on probation, or suspend or revoke a license if the licensee: (1) is disciplined by any branch of the U.S. Military or the U.S. Veterans Administration; (2) fails to cooperate with a lawful investigation conducted by the board; or (3) acts inconsistently with generally accepted professional standards in the practice of psychology. The board may impose a penalty not to exceed \$10,000 instead of or in addition to suspending or revoking the license. The board must also adopt regulations to set standards for the imposition of monetary penalties, which shall be paid into the general fund.

The bill also prohibits the stay or challenge of a disciplinary hearing stemming from any procedural defects alleged to have occurred before charges were filed. The board's decision to deny, suspend, or revoke a license may not be stayed pending judicial review. The State or the board can bring action to enjoin the unauthorized practice of psychology or other conduct that is a ground for disciplinary action. An action must be brought in the county where the defendant resides or engages in the acts sought to be enjoined. Proof of actual damage is not required for an action, and an action is in addition to, not instead of, criminal prosecution for the unauthorized practice of psychology.

State Revenues: The bill allows the Board of Examiners of Psychologists to impose monetary penalties up to \$10,000 per infraction. It is estimated that four disciplinary proceedings will be subject to a monetary penalty annually, and the average penalty will be \$5,000. Consequently, general fund revenues could increase by \$20,000 in fiscal 2000. Future year revenues are expected to remain relatively constant because the number of disciplinary proceedings subject to a monetary penalty is not expected to increase.

State Expenditures: Expenditures would not be affected. The bill clarifies, but does not expand, the circumstances in which the board may bring disciplinary action against a psychologist. No additional hearings are expected as a result of the bill's requirements.

Information Source(s): Department of Health and Mental Hygiene (Board of Examiners of Psychologists), Office of the Attorney General, Office of Administrative Hearings, Department of Legislative Services

Fiscal Note History: First Reader - March 15, 1999

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