

HOUSE BILL 686

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2002 Regular Session
(2r2002)

ENROLLED BILL

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegate Owings**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Board of Examiners of Psychologists - Powers and Duties**

3 FOR the purpose of altering the number of days within which the State Board of
4 Examiners of Psychologists must forward a certain complaint to a licensed
5 psychologist; altering the number of days within which the Board must dispose
6 of a certain complaint; providing that a ~~certain~~ *decision of the Board to enforce*
7 suspension of a license *for more than a certain period of time* may not be stayed
8 pending judicial review; and generally relating to the State Board of Examiners
9 of Psychologists.

10 BY repealing and reenacting, with amendments,
11 Article - Health Occupations
12 Section 18-206 and 18-316
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2001 Supplement)

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

3 **Article - Health Occupations**

4 18-206.

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

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

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

10 (i) Providing notice to the licensed psychologist that a complaint
11 has been filed against the licensed psychologist and forwarding a copy of the
12 complaint to the licensed psychologist within [60] 120 days of receipt of the
13 complaint, unless the Board:

14 1. Makes an affirmative determination that the disclosure
15 would prejudice the investigation of the complaint and notifies the licensee of the
16 determination; or

17 2. Disposes of the complaint within [60] 120 days of the date
18 of receipt of the complaint; and

19 (ii) Notifying, at least every 3 months, the licensed psychologist and
20 the complainant as to the status of any outstanding complaint;

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

23 (3) Adopt an official seal.

24 18-316.

25 (a) Except as provided in this section for an action under § 18-313 of this
26 subtitle, any person aggrieved by a final decision of the Board in a contested case, as
27 defined in the Administrative Procedure Act, may:

28 (1) Appeal that decision to the Board of Review; and

29 (2) Then take any further appeal allowed by the Administrative
30 Procedure Act.

31 (b) (1) Any person aggrieved by a final decision of the Board under § 18-313
32 of this subtitle may not appeal to the Secretary or Board of Review but may take a
33 direct judicial appeal.

1 (2) The appeal shall be made as provided for judicial review of final
2 decisions in the Administrative Procedure Act.

3 (c) A decision of the Board to deny A LICENSE, ~~ACTUALLY suspend~~ ENFORCE A
4 SUSPENSION OF A LICENSE FOR MORE THAN 1 YEAR, or revoke a license may not be
5 stayed pending judicial review.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2002.