
By: **Delegate Owings**

Introduced and read first time: February 6, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

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 suspension of a license may not
7 be stayed pending judicial review; and generally relating to the State Board of
8 Examiners of Psychologists.

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

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

16 **Article - Health Occupations**

17 18-206.

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

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

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

23 (i) Providing notice to the licensed psychologist that a complaint
24 has been filed against the licensed psychologist and forwarding a copy of the
25 complaint to the licensed psychologist within [60] 120 days of receipt of the
26 complaint, unless the Board:

1 1. Makes an affirmative determination that the disclosure
2 would prejudice the investigation of the complaint and notifies the licensee of the
3 determination; or

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

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

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

10 (3) Adopt an official seal.

11 18-316.

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

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

16 (2) Then take any further appeal allowed by the Administrative
17 Procedure Act.

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

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

23 (c) A decision of the Board to deny A LICENSE, ACTUALLY suspend A LICENSE
24 FOR MORE THAN 1 YEAR, or revoke a license may not be stayed pending judicial
25 review.

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