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By: Senator Dyson

Introduced and read first time: January 25, 2002

Assigned to: Education, Health, and Environmental Affairs

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
- 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:

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	1. Makes an affirmative determination that the disclosure would prejudice the investigation of the complaint and notifies the licensee of the determination; or
4 5	2. Disposes of the complaint within [60] 120 days of the date of receipt of the complaint; and
6 7	(ii) Notifying, at least every 3 months, the licensed psychologist and the complainant as to the status of any outstanding complaint;
8 9	(2) Submit an annual report of its activities to the Secretary as soon as practicable after the end of each fiscal year; and
10	(3) Adopt an official seal.
11	18-316.
	(a) Except as provided in this section for an action under § 18-313 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:
15	(1) Appeal that decision to the Board of Review; and
16 17	(2) Then take any further appeal allowed by the Administrative Procedure Act.
	(b) (1) Any person aggrieved by a final decision of the Board under § 18-313 of this subtitle may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.
21 22	(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.
	(c) A decision of the Board to deny A LICENSE, ACTUALLY suspend A LICENSE FOR MORE THAN 1 YEAR, or revoke a license may not be stayed pending judicial review.
26 27	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.