

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Revised

Senate Bill 327

(Senator Dyson)

Education, Health, and Environmental Affairs

Environmental Matters

State Board of Examiners of Psychologists - Powers and Duties

This bill extends the amount of time, from 60 days to 120 days, that the State Board of Examiners of Psychologists has for notifying a licensed psychologist of a complaint and forwarding the complaint to the licensee. Such notice need not be provided if the board disposes of the complaint within 120 days of the date the complaint was received. The bill also provides that a decision of the board to enforce a suspension of a license for more than one year may not be stayed pending judicial review.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Board procedures for receiving and investigating complaints include providing notice to a licensed psychologist of a complaint filed against the psychologist within 60 days of receipt of the complaint unless the board:

- makes an affirmative determination that the disclosure would prejudice the investigation of the complaint and notifies the licensee of the determination; or
- disposes of the complaint within 60 days of the receipt of the complaint.

A decision of the board to deny, suspend, or revoke a license may not be stayed pending judicial review.

Background: The bill seeks to facilitate complaint investigation and resolution by the State Board of Examiners of Psychologists. When presented with a complaint, the board has found that it may take more than the current limit of 60 days to complete an investigation. Even if a determination is made that a complaint is frivolous, notification about the complaint must still be sent to a psychologist and the complainant if that determination is not made within 60 days. The extension to 120 days is intended to help the board complete more thorough investigations and to ensure that notifications are sent only regarding the complaints which merit board action.

The bill also provides the opportunity to seek a stay of a license denial or suspension if the period of denial or suspension is less than one year. For license denials or suspensions that are more than one year, there would be no opportunity to seek a stay of the sanction pending judicial review. The board may deny or suspend a license for a year or more, but may then lift part of that sanction, similar to a probationary measure. This provision applies to licensees who have committed less egregious offenses and to a license surrender of one year or less.

Additional Information

Prior Introductions: None.

Cross File: HB 686 (Delegate Owings) – Environmental Matters.

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

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