
By: **Delegates Hurson, Benson, Dumais, Feldman, Heller, Kach, King,
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Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - License Waiver - Pro Bono Services of Federal**
3 **Employees**

4 FOR the purpose of exempting certain individuals employed by the federal
5 government from certain State health professional licensing or certification
6 requirements if those individuals are performing pro bono services in certain
7 professional areas; and generally relating to license waiver for federal
8 employees performing pro bono services in various health occupations.

9 BY repealing and reenacting, with amendments,
10 Article - Health Occupations
11 Section 1A-301, 2-301, 3-301, 4-301, 5-301, 7-301, 8-301, 10-301, 11-301,
12 12-301, 13-301, 14-302, 15-301, 16-301, 17-301, 18-301, and 19-301
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2004 Supplement)

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

17 **Article - Health Occupations**

18 1A-301.

19 (a) Except as otherwise provided in this title, an individual shall be licensed
20 by the Board before the individual may practice acupuncture in this State.

21 (b) This section does not apply to:

22 (1) An individual employed by the federal government as an
23 acupuncturist:

24 (I) [while] WHILE practicing within the scope of [that] THE
25 INDIVIDUAL'S FEDERAL employment; OR

1 (II) IF ACTIVELY LICENSED IN ANOTHER STATE, WHILE
2 PERFORMING PRO BONO ACUPUNCTURE SERVICES IN THIS STATE;

3 (2) A student, trainee, or visiting teacher who is designated as a student,
4 trainee, or visiting teacher while participating in a course of study or training under
5 the supervision of a licensed acupuncturist in a program that is approved by the
6 Board or the State Board of Higher Education; or

7 (3) An individual authorized under § 1A-316 of this subtitle to perform
8 auricular detoxification under the direct supervision of an acupuncturist licensed by
9 the Board.

10 2-301.

11 (a) Except as otherwise provided in this title, an individual shall be licensed
12 by the Board before the individual may practice audiology, provide hearing aid
13 services, or practice speech-language pathology in this State.

14 (b) (1) This section does not apply:

15 (i) 1. Unless the individual chooses to apply for a license under
16 this subtitle, to an individual employed by any agency of the federal government; OR

17 2. TO AN INDIVIDUAL EMPLOYED BY THE FEDERAL
18 GOVERNMENT WHO IS ACTIVELY LICENSED IN ANOTHER STATE AND IS PROVIDING
19 PRO BONO AUDIOLOGY, HEARING AID, OR SPEECH-LANGUAGE PATHOLOGY
20 SERVICES IN THIS STATE;

21 (ii) Unless the individual who is practicing audiology chooses to
22 apply for a license under this subtitle, to an individual employed continuously since
23 June 30, 1988 by a county public school system, a State approved nonpublic school for
24 handicapped children, a chartered institution of the State, or the State Department of
25 Education while performing the duties of that employment;

26 (iii) Unless the individual who is practicing speech-language
27 pathology chooses to apply for a license under this subtitle, to an individual employed
28 by a county public school system, State approved nonpublic school for handicapped
29 children, or chartered educational institution of the State or the State Department of
30 Education while performing the duties of that employment;

31 (iv) To a student or trainee in audiology or speech-language
32 pathology while pursuing a supervised course of study at an accredited university or
33 college or a recognized training center;

34 (v) To a volunteer while working in free speech and hearing
35 screening programs; or

36 (vi) To an individual who is fitting hearing aids under:

1 (3) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT TO
2 PRACTICE CHIROPRACTIC WHO:

3 (I) IS ACTIVELY LICENSED IN ANOTHER STATE; AND

4 (II) IS PERFORMING PRO BONO CHIROPRACTIC SERVICES IN THIS
5 STATE.

6 4-301.

7 (a) (1) Except as otherwise provided in this title, an individual shall be
8 licensed by the Board to practice dentistry before the individual may practice
9 dentistry on a human being in this State.

10 (2) Except as otherwise provided in this title, an individual shall be
11 licensed by the Board to practice dental hygiene before the individual may practice
12 dental hygiene on a human being in this State.

13 (b) This section does not apply to:

14 (1) A student of dentistry while engaged in an educational program at an
15 approved school of dentistry;

16 (2) (I) A dentist while performing official duties in a federal dental
17 service; OR

18 (II) AN INDIVIDUAL WHO IS EMPLOYED BY THE FEDERAL
19 GOVERNMENT WHO:

20 1. IS ACTIVELY LICENSED IN ANOTHER STATE; AND

21 2. IS PROVIDING PRO BONO DENTAL OR DENTAL HYGIENIST
22 SERVICES IN THIS STATE;

23 (3) An individual licensed to practice dentistry in any other state or a
24 foreign country, while the individual:

25 (i) Makes a clinical demonstration before a dental society, dental
26 convention, association of dentists, or dental college; or

27 (ii) Performs professional duties on a specific case for which the
28 individual is called into this State; or

29 (4) A dental assistant, if the dental assistant:

30 (i) Subject to the rules and regulations adopted by the Board,
31 performs only procedures that do not require the professional skills of a licensed
32 dentist; and

1 (ii) Performs intraoral tasks only under the direct supervision of a
2 licensed dentist who personally is present in the office area where the tasks are
3 performed.

4 5-301.

5 (a) Except as otherwise provided in this subtitle, an individual shall be
6 licensed by the Board before the individual may practice dietetics in the State.

7 (b) The following individuals may practice dietetics without a license:

8 (1) A student or trainee, working under the direct or indirect supervision
9 of a licensed dietitian-nutritionist while fulfilling an experience requirement or
10 pursuing a course of study to meet requirements for licensure, for a limited period of
11 time as determined by the Board.

12 (2) An individual employed by the United States government to practice
13 dietetics[.];

14 (I) [while] WHILE practicing within the scope of that employment;
15 OR

16 (II) IF ACTIVELY LICENSED IN ANOTHER STATE, WHILE
17 PERFORMING PRO BONO DIETETIC SERVICES IN THIS STATE.

18 (3) An individual who aids in the practice of dietetics, if the individual
19 works under the direct or indirect supervision of a licensed dietitian-nutritionist or
20 licensed physician.

21 (4) A registered dietitian who has recently become a resident of this
22 State, or is a resident of this State but is not licensed, and who:

23 (i) Has applied for licensure; and

24 (ii) Has not had a license application denied in this State.

25 (c) Subject to regulations adopted by the Board, an individual may practice
26 dietetics without a license if the individual:

27 (1) Has met the academic and experience requirements to be a licensed
28 dietitian-nutritionist;

29 (2) Has applied for or taken the licensing examination; and

30 (3) Is awaiting notification of the examination results.

31 7-301.

32 (a) Except as provided in subsection (b) of this section, an individual shall be
33 licensed by the Board before the individual may practice mortuary science in this
34 State.

1 (b) This section does not:

2 (1) Limit the right of a school of medicine or dentistry to use and dispose
3 of a dead human body or its parts;

4 (2) Limit the right of any person who is authorized by law to handle or
5 dispose of a dead human body or its parts, if the person acts within the scope of that
6 authorization;

7 (3) Affect the right of an authorized officer or employee of the United
8 States or the District of Columbia to practice mortuary science:

9 (I) [in] IN the course of that individual's duties; OR

10 (II) IF THE OFFICER OR EMPLOYEE IS ACTIVELY LICENSED IN
11 ANOTHER STATE, IS PERFORMING PRO BONO MORTUARY SERVICES IN THIS STATE;

12 (4) Apply to an individual who makes funeral arrangements in the
13 course of the duties of that individual as an attorney; or

14 (5) (i) Limit the right of the Board to issue temporary permits to
15 out-of-state licensed morticians for teaching purposes involving an approved
16 continuing education program or disaster situations as deemed necessary by the
17 Board.

18 (ii) A mortician who is issued a temporary permit shall be subject to
19 any conditions and limitations that the Board may specify in the permit and the
20 provisions of this title.

21 8-301.

22 (a) Except as otherwise provided in this title, an individual shall be licensed
23 by the Board before the individual may practice registered nursing in this State.

24 (b) Except as otherwise provided in this title, an individual shall be licensed
25 by the Board before the individual may practice licensed practical nursing in this
26 State.

27 (c) This section does not apply to:

28 (1) A student enrolled in an approved education program while
29 practicing registered nursing or licensed practical nursing in that program;

30 (2) An individual employed by the federal government to practice
31 registered nursing or licensed practical nursing [while practicing within the scope of
32 that employment,] if the individual is authorized by any state to practice registered
33 nursing or licensed practical nursing AND THE INDIVIDUAL:

34 (I) IS PRACTICING WITHIN THE SCOPE OF THE INDIVIDUAL'S
35 FEDERAL EMPLOYMENT; OR

1 (II) IS PROVIDING PRO BONO NURSING SERVICES IN THIS STATE;

2 (3) An individual permitted to practice registered nursing or licensed
3 practical nursing under rules and regulations adopted by the Board, if the individual:

4 (i) Otherwise has qualified to practice registered nursing or
5 licensed practical nursing in any other state or country and is in this State
6 temporarily; or

7 (ii) Has an application for a license pending before the Board:

8 1. But has not taken the examination required under this
9 title; or

10 2. Has taken an examination under this title, but the results
11 of the examination are not yet known; and

12 (4) An individual who is assigned by the American Red Cross to a
13 disaster situation in this State to practice registered nursing or licensed practical
14 nursing, if the individual is licensed to practice registered nursing or licensed
15 practical nursing in another state.

16 (d) A registered nurse who has been granted multistate licensing privileges by
17 a party state to the Nurse Multistate Licensure Compact set forth in Subtitle 7A of
18 this title may practice registered nursing in the State.

19 (e) A licensed practical nurse who has been granted multistate licensing
20 privileges by a party state to the Nurse Multistate Licensure Compact set forth in
21 Subtitle 7A of this title may practice practical nursing in the State.

22 (f) A nurse who has been granted multistate licensing privileges as described
23 in subsection (d) or (e) shall notify the Board, prior to commencing any nursing
24 employment in the State, of the identity and location of the nurse's prospective
25 employer.

26 10-301.

27 (a) Except as otherwise provided in this title, an individual shall be licensed
28 by the Board before the individual may practice occupational therapy or limited
29 occupational therapy in this State.

30 (b) This section does not apply to:

31 (1) An individual employed by the federal government as an
32 occupational therapist or an occupational therapy assistant[.];

33 (I) [while] WHILE practicing within the scope of that employment;
34 OR

35 (II) IF ACTIVELY LICENSED IN ANOTHER STATE, WHILE
36 PERFORMING PRO BONO OCCUPATIONAL THERAPY SERVICES IN THIS STATE;

1 (2) A student or trainee who is designated as a student or trainee, while:

2 (i) Fulfilling a field work requirement under § 10-302 of this
3 subtitle; or

4 (ii) Pursuing a supervised course of study in an accredited or
5 approved educational program leading to a degree or certificate in:

6 1. Occupational therapy; or

7 2. Occupational therapy assistant;

8 (3) Subject to the regulations adopted by the Board, an aide who
9 supports the practice of occupational therapy or the practice of limited occupational
10 therapy, if the aide:

11 (i) Works only under the direct supervision of a licensed
12 occupational therapist or occupational therapy assistant and subject to the
13 occupational therapist's responsibility for supervision, as provided by this subtitle;
14 and

15 (ii) Performs only support activities that do not require training in
16 the basic anatomical, biological, psychological, and social sciences used in the practice
17 of occupational therapy;

18 (4) An occupational therapist who is authorized to practice occupational
19 therapy in any other jurisdiction, if the occupational therapist practices occupational
20 therapy in this State for the purpose of educating, consulting, and training, for the
21 duration of the purpose, as preapproved by the Board; or

22 (5) An occupational therapy assistant who is authorized to practice
23 limited occupational therapy in any other jurisdiction, if the occupational therapy
24 assistant practices limited occupational therapy in this State for the purpose of
25 educating, consulting, and training, for the duration of the purpose, as preapproved
26 by the Board.

27 11-301.

28 (a) Except as otherwise provided in this title, an individual shall be licensed
29 by the Board before the individual may practice optometry in this State.

30 (b) This section does not apply to:

31 (1) [a] A student while participating in a residency training program
32 under the direct supervision of a licensed optometrist; OR

33 (2) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT IF THE
34 INDIVIDUAL:

35 (I) IS ACTIVELY LICENSED IN ANOTHER STATE; AND

1 (II) IS PERFORMING PRO BONO OPTOMETRY SERVICES IN THIS
2 STATE.

3 12-301.

4 (a) Except as otherwise provided in this title, an individual shall be licensed
5 by the Board before the individual may practice pharmacy in this State.

6 (b) This section does not apply to:

7 (1) [an] AN individual while engaging in a professional experience
8 program under the direct supervision of a licensed pharmacist; OR

9 (2) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT IF THE
10 INDIVIDUAL:

11 (I) IS ACTIVELY LICENSED IN ANOTHER STATE; AND

12 (II) IS PERFORMING PRO BONO PHARMACY SERVICES IN THIS
13 STATE.

14 13-301.

15 (a) Except as otherwise provided in this title, an individual shall be licensed
16 by the Board before the individual may practice physical therapy or limited physical
17 therapy in this State.

18 (b) This section does not apply to:

19 (1) A student who is supervised directly by a licensed physical therapist
20 in a Board approved physical therapy educational program; [or]

21 (2) A physical therapy aide, if the physical therapy aide:

22 (i) Subject to the rules and regulations adopted by the Board,
23 performs only procedures that do not require the professional skills of a licensed
24 physical therapist or a licensed physical therapist assistant; and

25 (ii) Performs procedures only under the direct supervision of a
26 licensed physical therapist who personally is present in the area where the
27 procedures are performed; OR

28 (3) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT IF THE
29 INDIVIDUAL:

30 (I) IS ACTIVELY LICENSED IN ANOTHER STATE; AND

31 (II) IS PERFORMING PRO BONO PHYSICAL THERAPY SERVICES IN
32 THIS STATE.

1 14-302.

2 Subject to the rules, regulations, and orders of the Board, the following
3 individuals may practice medicine without a license:

4 (1) A medical student or an individual in a postgraduate medical
5 training program that is approved by the Board, while doing the assigned duties at
6 any office of a licensed physician, hospital, clinic, or similar facility;

7 (2) A physician licensed by and residing in another jurisdiction, while
8 engaging in consultation with a physician licensed in this State;

9 (3) A physician employed in the service of the federal government:

10 (I) [while] WHILE performing the duties incident to that
11 employment; OR

12 (II) IF ACTIVELY LICENSED IN ANOTHER STATE, WHILE
13 PERFORMING PRO BONO MEDICAL SERVICES IN THIS STATE;

14 (4) A physician who resides in and is authorized to practice medicine by
15 any state adjoining this State and whose practice extends into this State, if:

16 (i) The physician does not have an office or other regularly
17 appointed place in this State to meet patients; and

18 (ii) The same privileges are extended to licensed physicians of this
19 State by the adjoining state; and

20 (5) An individual while under the supervision of a licensed physician
21 who has specialty training in psychiatry, and whose specialty training in psychiatry
22 has been approved by the Board, if the individual submits an application to the Board
23 on or before October 1, 1993, and either:

24 (i) 1. Has a master's degree from an accredited college or
25 university; and

26 2. Has completed a graduate program accepted by the Board
27 in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy
28 experience; or

29 (ii) 1. Has a baccalaureate degree from an accredited college or
30 university; and

31 2. Has 4,000 hours of supervised clinical experience that is
32 approved by the Board.

33 15-301.

34 (a) Nothing in this title may be construed to authorize a physician assistant to
35 practice independent of a supervising physician.

1 (b) A certificate issued to a physician assistant shall limit the physician
2 assistant's scope of practice to medical acts:

- 3 (1) Delegated by the supervising physician;
- 4 (2) Appropriate to the education, training, and experience of the
5 physician assistant;
- 6 (3) Customary to the practice of the supervising physician; and
- 7 (4) Consistent with the delegation agreement submitted to the Board.

8 (c) Patient services that may be provided by a physician assistant include:

- 9 (1) (i) Taking complete, detailed, and accurate patient histories; and
- 10 (ii) Reviewing patient records to develop comprehensive medical
11 status reports;
- 12 (2) Performing physical examinations and recording all pertinent
13 patient data;
- 14 (3) Interpreting and evaluating patient data as authorized by the
15 supervising physician for the purpose of determining management and treatment of
16 patients;
- 17 (4) Initiating requests for or performing diagnostic procedures as
18 indicated by pertinent data and as authorized by the supervising physician;
- 19 (5) Providing instructions and guidance regarding medical care matters
20 to patients;
- 21 (6) Assisting the supervising physician in the delivery of services to
22 patients who require medical care in the home and in health care institutions,
23 including:
 - 24 (i) Recording patient progress notes;
 - 25 (ii) Issuing diagnostic orders that must be countersigned by the
26 supervising physician within a period reasonable and appropriate to the practice
27 setting and consistent with current standards of acceptable medical practice; and
 - 28 (iii) Transcribing or executing specific orders at the direction of the
29 supervising physician; and
- 30 (7) Exercising prescriptive authority under an approved delegation
31 agreement and in accordance with § 15-302.2 of this subtitle.

32 (d) (1) Except as otherwise provided in this title, an individual shall be
33 certified by the Board before the individual may practice as a physician assistant.

1 (2) Except as otherwise provided in this title, a physician may not
2 supervise a physician assistant in the performance of delegated medical acts without
3 the approval of the Board.

4 (3) Except as otherwise provided in this title or in a medical emergency,
5 a physician assistant may not perform any medical act for which:

6 (i) The individual has not been certified; and

7 (ii) The medical acts have not been delegated by a supervising
8 physician.

9 (e) A physician assistant is the agent of the supervising physician in the
10 performance of all practice-related activities, including the oral, written, or electronic
11 ordering of diagnostic, therapeutic, and other medical services.

12 (f) Except as provided in subsection (g) of this section, the following
13 individuals may practice as a physician assistant without a certificate:

14 (1) A physician assistant student in a physician assistant training
15 program that is accredited by the Commission on Allied Health Education Programs
16 and approved by the Board; or

17 (2) A physician assistant employed in the service of the federal
18 government:

19 (I) [while] WHILE performing duties incident to that employment;
20 OR

21 (II) IF ACTIVELY CERTIFIED OR LICENSED IN ANOTHER STATE,
22 WHILE PERFORMING PRO BONO MEDICAL SERVICES IN THIS STATE.

23 (g) A physician may not delegate the authority to write medication orders or
24 the ability to exercise prescriptive authority to a physician assistant student in a
25 training program approved by the Board.

26 (h) (1) Except as prohibited by § 15-102(a) of this title, if a duty that is to be
27 delegated under this section is a part of the practice of a health occupation that is
28 regulated under this article by another board, any rule or regulation concerning that
29 duty shall be adopted jointly by the Board of Physicians and the board that regulates
30 the other health occupation.

31 (2) If the two boards cannot agree on a proposed rule or regulation, the
32 proposal shall be submitted to the Secretary for a final decision.

33 (i) Notwithstanding the provisions of this section, a patient being treated
34 regularly for a life threatening, chronic, degenerative, or disabling condition shall be
35 seen initially by the supervising physician and as frequently as the patient's condition
36 requires, but no less than within every five appointments or within 180 days,
37 whichever occurs first.

1 16-301.

2 (A) An individual shall be licensed by the Board before the individual may
3 practice podiatry in this State.

4 (B) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL EMPLOYED BY THE
5 FEDERAL GOVERNMENT IF THE INDIVIDUAL:

6 (1) IS ACTIVELY LICENSED IN ANOTHER STATE; AND

7 (2) IS PERFORMING PRO BONO PODIATRY SERVICES IN THIS STATE.

8 17-301.

9 (a) An individual shall be certified as a professional counselor or licensed
10 professional counselor-marriage and family therapist by the Board before the
11 individual may:

12 (1) Use the title "certified professional counselor";

13 (2) Use the initials "C.P.C." after the name of the individual; or

14 (3) Represent to the public that the individual is certified as a
15 professional counselor.

16 (b) An individual shall be certified as a professional counselor-marriage and
17 family therapist by the Board before the individual may:

18 (1) Use the title "certified professional counselor-marriage and family
19 therapist";

20 (2) Use the initials "C.P.C.-M.F.T." after the name of the individual; or

21 (3) Represent to the public that the individual is certified as a certified
22 professional counselor-marriage and family therapist.

23 (c) (1) An individual shall be certified as a certified professional
24 counselor-alcohol and drug by the Board before the individual may:

25 (i) Use the title "certified professional counselor-alcohol and
26 drug";

27 (ii) Use the initials "C.P.C.-A.D." after the name of the individual;
28 or

29 (iii) Represent to the public that the individual is certified as a
30 certified professional counselor-alcohol and drug.

31 (2) An individual shall be certified as a certified associate
32 counselor-alcohol and drug by the Board before the individual may:

- 1 (i) Use the title "certified associate counselor-alcohol and drug";
2 (ii) Use the initials "C.A.C.-A.D." after the name of the individual;
3 or
4 (iii) Represent to the public that the individual is certified as a
5 certified associate counselor-alcohol and drug.

6 (3) An individual shall be certified as a certified supervised
7 counselor-alcohol and drug by the Board before the individual may:

- 8 (i) Use the title "certified supervised counselor-alcohol and drug";
9 (ii) Use the initials "C.S.C.-A.D." after the name of the individual;
10 or
11 (iii) Represent to the public that the individual is certified as a
12 certified supervised counselor-alcohol and drug.

13 (d) (1) (i) In this subsection the following words have the meanings
14 indicated.

- 15 (ii) "Approved alcohol and drug supervisor" means:
16 1. A certified professional counselor-alcohol and drug;
17 2. A licensed clinical alcohol and drug counselor; or
18 3. A health care provider certified or licensed under the
19 Health Occupations Article with documented expertise in alcohol and drug
20 counseling, as approved by the Board.

21 (iii) "Under the supervision of an approved alcohol and drug
22 supervisor" means engaging in an ongoing process that includes direct, on-site,
23 face-to-face, individual or group meetings with an approved alcohol and drug
24 supervisor focused on quality of delivery of alcohol and drug counseling services and
25 improvement of counseling skills for a minimum of 1 documented hour for each
26 40-hour work week but not less than 2 documented hours per month for less than a
27 40-hour work week.

28 (2) An individual may practice alcohol and drug counseling without
29 certification for a limited period of time, as determined by the Board, if the individual
30 is working as a trainee under the supervision of an approved alcohol and drug
31 supervisor while fulfilling the experiential or course of study requirements under §
32 17-302.3, § 17-302.4, § 17-302.5, or § 17-3A-02 of this title.

33 (3) An individual may practice clinical alcohol and drug counseling
34 without a license for a limited period of time, as determined by the Board, if the
35 individual is working as a trainee under the supervision of an approved alcohol and

1 drug supervisor while fulfilling the experiential or course of study requirements
2 under § 17-302.3, § 17-302.4, § 17-302.5, or § 17-3A-02 of this title.

3 (E) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL EMPLOYED BY THE
4 FEDERAL GOVERNMENT IF THE INDIVIDUAL IS ACTIVELY LICENSED OR CERTIFIED
5 IN ANOTHER STATE AND IS PERFORMING PRO BONO SERVICES IN ANY OF THE
6 FOLLOWING AREAS IN THE STATE:

7 (1) PROFESSIONAL COUNSELOR OR LICENSED PROFESSIONAL
8 COUNSELOR-MARRIAGE AND FAMILY THERAPY;

9 (2) PROFESSIONAL COUNSELOR-MARRIAGE AND FAMILY THERAPY; OR

10 (3) PROFESSIONAL ALCOHOL AND DRUG COUNSELING.

11 18-301.

12 (a) Except as otherwise provided in this section, an individual shall be
13 licensed by the Board before the individual may practice psychology in this State.

14 (b) Subject to the rules and regulations of the Board, this section does not
15 apply to:

16 (1) The activities and services of and the use of an official title by an
17 individual employed by any agency of the federal government, this State, or any
18 political subdivision of this State, or a chartered educational institution while
19 performing the duties of that employment;

20 (2) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT IF THE
21 INDIVIDUAL:

22 (I) IS ACTIVELY LICENSED IN ANOTHER STATE; AND

23 (II) IS PERFORMING PRO BONO PSYCHOLOGY SERVICES IN THIS
24 STATE.

25 [(2)] (3) The education-related services described in regulations adopted
26 by the State Department of Education that are performed by a certified school
27 psychologist:

28 (i) While performing the duties of employment of the certified
29 school psychologist; or

30 (ii) While conducting staff development and training workshops for
31 compensation;

32 [(3)] (4) The activities and services of a student, intern, resident or
33 fellow while pursuing a supervised course of study in psychology that the Board
34 approves as qualifying training and experience under this title;

1 [(4)] (5) The activities and services of an individual while performing
2 psychological services under the direct supervision of a licensed psychologist who
3 takes full responsibility for the activities and services performed, if the supervised
4 individual has graduated from an accredited college or university with at least a
5 master's degree based on a program of studies whose content was primarily
6 psychological or a program judged by the Board to be substantially equivalent in
7 subject matter and extent of training to a master's or doctoral degree in psychology,
8 provided that:

9 (i) The supervised individual may not use any title other than
10 "psychology associate";

11 (ii) The supervised individual has applied to the Board for an
12 exemption under this section; and

13 (iii) The supervised individual has received an exemption under this
14 section within 6 months of application unless the Board grants an extension; and

15 [(5)] (6) The activities and services of an individual licensed or certified
16 as a psychologist in any state who recently has become a resident of this State and
17 has an application for a license approved by the Board, provided that the individual
18 passes the first scheduled examination for which the applicant is eligible.

19 (c) If, for good cause, an applicant for a license under subsection [(b)(5)] (B)(6)
20 of this section is unable to take the first scheduled examination for which the
21 applicant is eligible, the Board may grant an extension to the individual to take the
22 next scheduled examination for which the applicant is eligible.

23 (d) The Board may authorize an unlicensed individual to practice psychology,
24 subject to any limitations the Board imposes, if:

25 (1) The Board finds that the circumstances warrant; and

26 (2) The individual:

27 (i) Is not a resident of this State; and

28 (ii) Meets the qualifications, other than residence and examination,
29 for a license.

30 (e) The exceptions of subsection (b)(1) of this section do not apply to
31 individuals who are employed by the Department, a county health department, the
32 Baltimore City Health Department, the Department of State Police, or the
33 Department of Public Safety and Correctional Services after July 1, 1985. An
34 individual who is employed by any of the departments under this subsection on July
35 1, 1985 but who is not licensed by the Board shall function under the direct
36 supervision of a licensed psychologist who takes full responsibility for the
37 psychological services provided by the individual.

1 19-301.

2 (a) Except as otherwise provided in this title, an individual shall be:

3 (1) Licensed by the Board before the individual may practice social work
4 in this State while representing oneself as a social worker;

5 (2) Licensed as a certified social worker-clinical before the individual
6 may practice clinical social work in this State.

7 (b) This section does not apply to:

8 (1) An individual employed by any agency of the federal government
9 [while performing the duties of that employment], unless the individual chooses to
10 apply for a license under this subtitle:

11 (I) WHILE PERFORMING THE DUTIES OF THE INDIVIDUAL'S
12 FEDERAL EMPLOYMENT; OR

13 (II) IF ACTIVELY LICENSED IN ANOTHER STATE, WHILE
14 PERFORMING PRO BONO SOCIAL WORK SERVICES IN THIS STATE;

15 (2) An individual licensed as a social worker in another state while
16 responding to an emergency in this State; or

17 (3) An individual who:

18 (i) Is licensed to practice social work in any other state or possesses
19 social work qualifications in another jurisdiction comparable to § 19-302 of this
20 subtitle;

21 (ii) Has an application for a license pending before the Board; and

22 (iii) Meets requirements established by the Board in regulations.

23 (c) An individual may not practice social work without a license under
24 subsection (b)(3) of this section for more than 6 months.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2005.