

# SENATE BILL 262

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CF 2lr1622

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By: **Senator Montgomery**

Introduced and read first time: January 25, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Psychologists – Penalties for Misrepresentation and**  
3 **Practicing Without a License**

4 FOR the purpose of altering certain penalties for a violation of certain provisions of  
5 law governing the practice of psychology; authorizing the State Board of  
6 Examiners of Psychologists to assess a civil fine of not more than a certain  
7 amount against a person who violates certain provisions of law prohibiting the  
8 practice, attempt to practice, or offer to practice psychology without a license;  
9 requiring the Board to pay certain penalties into a certain fund; and generally  
10 relating to the practice of psychology in the State.

11 BY repealing and reenacting, without amendments,  
12 Article – Health Occupations  
13 Section 18–401 and 18–402  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Health Occupations  
18 Section 18–404  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2011 Supplement)

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

23 **Article – Health Occupations**

24 18–401.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as otherwise provided in this title, a person may not practice,  
2 attempt to practice, or offer to practice psychology in this State unless licensed by the  
3 Board.

4 (b) Each violation of this section is a separate offense.

5 18-402.

6 (a) Unless authorized to practice psychology under this title, a person may  
7 not represent to the public by title, by description of services, methods, or procedures,  
8 or otherwise, that the person is authorized to practice psychology in this State.

9 (b) Unless authorized or permitted to do so by this title, a person may not  
10 use as a title or describe the services the person provides by use of the words  
11 "psychological", "psychologist", or "psychology".

12 18-404.

13 (A) A person who violates any provision of this subtitle is guilty of a  
14 misdemeanor and on conviction is subject to a fine not exceeding [\$500] **\$10,000** or  
15 imprisonment in jail not exceeding [6 months] **1 YEAR** or both.

16 (B) (1) **A PERSON WHO VIOLATES § 18-401 OF THIS SUBTITLE IS**  
17 **SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE ASSESSED BY THE**  
18 **BOARD.**

19 (2) **THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**  
20 **THIS SUBSECTION INTO THE STATE BOARD OF EXAMINERS FOR**  
21 **PSYCHOLOGISTS FUND.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2012.