

SENATE BILL 262

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2lr1354
CF HB 276

By: **Senator Montgomery**

Introduced and read first time: January 25, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2012

CHAPTER _____

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 in accordance with certain regulations against a person who violates
8 certain provisions of law prohibiting the practice, attempt to practice, or offer to
9 practice psychology without a license; requiring the Board to pay certain
10 penalties into a certain fund; and generally relating to the practice of
11 psychology in the State.

12 BY repealing and reenacting, without amendments,
13 Article – Health Occupations
14 Section 18–401 and 18–402
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health Occupations
19 Section 18–404
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health Occupations**

4 18–401.

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

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

9 18–402.

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

13 (b) Unless authorized or permitted to do so by this title, a person may not
14 use as a title or describe the services the person provides by use of the words
15 “psychological”, “psychologist”, or “psychology”.

16 18–404.

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

20 (B) (1) **A PERSON WHO VIOLATES § 18–401 OF THIS SUBTITLE IS**
21 **SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE ASSESSED BY THE**
22 **BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

23 (2) **THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**
24 **THIS SUBSECTION INTO THE STATE BOARD OF EXAMINERS FOR**
25 **PSYCHOLOGISTS FUND.**

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