

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 276

(Delegate Hubbard)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Occupations - Psychologists - Penalties for Misrepresentation and
Practicing Without a License

This bill increases the maximum penalties that may be assessed on an individual for misrepresentation as a psychologist or practicing psychology without a license. On conviction of a misdemeanor, an individual is now subject to a fine of up to \$10,000 or imprisonment for up to one year, or both. Practicing psychology without a license is subject to a new civil fine of up to \$50,000 to be assessed by the State Board of Examiners of Psychologists in accordance with regulations adopted by the board and payable to the State Board of Examiners for Psychologists Fund.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Potential significant increase in special fund revenues for the State Board of Examiners of Psychologists due to the authority to issue civil fines.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: Unless licensed by the board or otherwise permitted to do so under the Maryland Psychologists Act, a person may not (1) practice, attempt to practice, or offer to practice psychology; (2) represent to the public by title; description of services, methods, procedures, or otherwise that the person is authorized to practice psychology; or

(3) use as a title or describe the services a person provides using the words “psychological,” “psychologist,” or “psychology.” Violators are guilty of a misdemeanor and subject to a fine of up to \$500 or imprisonment for up to six months, or both.

Background: All 18 health occupations boards prohibit misrepresentation and practicing without a license or other required credential. Penalties for violations range from maximum fines of \$500 to \$5,000 and imprisonment for a maximum of 90 days to five years. Four health occupations boards (pharmacy, physical therapy, physicians, and podiatry) are authorized to assess a civil fine of up to \$50,000 for practicing without a license. In all instances other than podiatry, such fines are payable to each board’s respective special fund.

According to the State Board of Examiners of Psychologists, the board handles an average of one case annually of an individual impersonating a psychologist and four cases annually of individuals practicing without a license.

State Revenues: General fund revenues increase minimally as a result of the increased fine authorized under the bill from cases heard in the District Court.

Special fund revenues for the board increase by a potentially significant amount as a result of the authority to assess a civil fine of up to \$50,000. Actual revenues will depend on the number of violations and the actual civil fines imposed.

State Expenditures: General fund expenditures may increase minimally as a result of the bill’s increased incarceration penalty due to people being committed for longer time periods to Division of Correction facilities for convictions in Baltimore City. The number of people convicted of this crime is expected to be minimal.

Local Revenues: Revenues increase minimally as a result of the increased fine authorized under the bill from cases heard in the circuit courts.

Local Expenditures: Expenditures may increase minimally as a result of the bill’s increased incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: SB 262 (Senator Montgomery) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2012
mlm/ljm Revised - House Third Reader - March 16, 2012

Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510