

SENATE BILL 225

J2

4r1088
CF HB 113

By: **Senators Montgomery, Benson, and Forehand**

Introduced and read first time: January 16, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Examiners of Psychologists – Psychology Associates –**
3 **Registration**

4 FOR the purpose of requiring an individual, except under certain circumstances, to be
5 registered by the Board before practicing psychology as a psychology associate
6 in the State; specifying the circumstances under which a registered psychology
7 associate is authorized to practice psychology in the State; repealing obsolete
8 language regarding an exemption from licensure for psychology associates;
9 requiring an individual to meet certain requirements to qualify for registration
10 as a psychology associate; requiring an applicant for registration as a
11 psychology associate, except under certain circumstances, to pass certain
12 examinations; requiring the Board to grant a waiver of certain registration
13 requirements to certain applicants; requiring an applicant for a registration to
14 practice psychology to meet certain requirements; providing that an applicant
15 who otherwise qualifies for a registration is entitled to be examined in a certain
16 manner; providing that a registration authorizes a registrant to practice
17 psychology while the registration is effective; requiring the Board to maintain a
18 roster that contains the names and certain other information regarding
19 registered psychology associates; providing that, except under certain
20 circumstances, a registration expires on the date set by the Board; prohibiting
21 the renewal of a registration for a term longer than a certain number of years;
22 requiring the Board to send to a registrant a renewal notice by a certain method
23 a certain number of days before the registration expires; specifying the content
24 of a renewal notice sent to a registrant; requiring a registrant to notify the
25 Board in writing of any change in the registrant's address within a certain
26 period of time; authorizing a registrant to renew a registration for a certain
27 term under certain circumstances; authorizing the Board to establish
28 continuing education requirements as a condition to the renewal of
29 registrations; requiring the Board to renew the registration of a registrant who
30 meets the requirements of certain provisions of law; repealing the requirement
31 that continuing education requirements set by the Board be standard for all

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 licensed psychologists; authorizing the Board, on a certain vote of its
 2 membership, to take certain action against a licensee if the licensee fails to
 3 supervise a registered psychology associate in accordance with certain
 4 regulations; authorizing the Board to impose a certain monetary penalty
 5 instead of suspending a registration or in addition to suspending or revoking a
 6 registration; authorizing the Board to direct a registrant to submit to a certain
 7 examination; providing that, in return for the privilege given to a registrant to
 8 practice psychology in the State, the registrant is deemed to have consented to a
 9 certain examination under certain circumstances and waived a certain claim of
 10 privilege; providing that the failure or refusal of a registrant to submit to a
 11 required examination is prima facie evidence of a registrant's inability to
 12 practice psychology competently, with a certain exception; prohibiting a decision
 13 of the Board in relation to a registration from being stayed pending judicial
 14 review; authorizing the Board to reinstate a registration that has been revoked;
 15 altering the prohibition on practicing, attempting to practice, or offering to
 16 practice psychology in the State to include a person who is not registered by the
 17 Board; altering certain definitions; defining certain terms; repealing a certain
 18 definition; making certain conforming and stylistic changes; and generally
 19 relating to the registration of psychology associates.

20 BY repealing and reenacting, with amendments,

21 Article – Health Occupations

22 Section 18–101, 18–202, 18–206, 18–301, 18–302, 18–303, 18–304(a), 18–306,
 23 18–307(a), 18–308 through 18–313, 18–313.1(a), 18–314(a), (b), and (c),
 24 18–316(c), 18–317, and 18–401(a)

25 Annotated Code of Maryland

26 (2009 Replacement Volume and 2013 Supplement)

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

29 **Article – Health Occupations**

30 18–101.

31 (a) In this title the following words have the meanings indicated.

32 (b) “Board” means the State Board of Examiners of Psychologists.

33 (c) (1) “Doctoral degree in psychology” means:

34 (i) A degree received from a program that at the time the
 35 degree was awarded:

36 1. Is accredited by the American Psychological
 37 Association or the Canadian Psychological Association; or

1 2. Is listed in the designated doctoral programs in
2 psychology published by the Council for the National Register of Health Service
3 Providers in Psychology; or

4 (ii) A doctoral degree in psychology that the Council for the
5 National Register of Health Service Providers in Psychology determines meets its
6 criteria for a doctoral degree in psychology, if the degree was received from a doctoral
7 program in psychology that:

8 1. Is located outside the United States and Canada;

9 2. Is currently accredited or designated in accordance
10 with paragraph (1)(i) of this subsection, but was not accredited or designated at the
11 time the degree was awarded;

12 3. Was completed prior to 1981 for United States
13 programs;

14 4. Was completed prior to 1988 for Canadian programs;
15 or

16 5. Is no longer in existence.

17 (2) (i) A determination by the Council under paragraph (1)(ii) of
18 this subsection that a doctoral degree in psychology meets its criteria shall be
19 considered by the Board as prima facie evidence that the degree meets those criteria.

20 (ii) In determining whether the degree in psychology meets the
21 criteria described in paragraph (1)(ii) of this subsection and subparagraph (i) of this
22 paragraph, the Board may consider the completion of postdoctoral course work in
23 psychology, not to exceed 9 semester hours.

24 (d) “License” means, unless the context requires otherwise, a license issued
25 by the Board to practice psychology **AS A PSYCHOLOGIST**.

26 (e) “Licensed psychologist” means[, unless the context requires otherwise, a
27 psychologist] **AN INDIVIDUAL who MEETS THE REQUIREMENTS IN § 18-302(F) OF**
28 **THIS TITLE AND** is licensed by the Board to practice psychology.

29 (f) (1) “Practice psychology” means to provide to any person:

30 (i) Any service for compensation involving the application of
31 psychological principles, psychological methods, or psychological procedures for
32 understanding, predicting, or influencing behavior, including the principles that relate
33 to learning, perception, motivation, emotions, organizational relationships, and
34 interpersonal relationships;

1 (ii) Any service for compensation involving the application of
2 psychological methods or psychological procedures for interviewing, counseling,
3 psychotherapy, behavior modification, or hypnosis; or

4 (iii) Any service for compensation involving the application of
5 psychological methods or psychological procedures for constructing, administering, or
6 interpreting tests of mental abilities, neuropsychological functioning, aptitudes,
7 interests, attitudes, personality characteristics, emotions, or motivations.

8 (2) "Practice psychology" includes:

9 (i) The application of psychological principles and psychological
10 methods in the diagnosis, prevention, treatment, and amelioration of psychological
11 problems, emotional conditions, or mental conditions of individuals or groups;

12 (ii) The use of psychological methods to assist an individual in
13 acquiring greater human effectiveness or to modify feelings, conditions, attitudes, or
14 behavior that is emotionally, intellectually, or socially ineffectual or maladjusted; and

15 (iii) The use of biofeedback instruments that do not pierce or cut
16 the skin to measure physical and mental functioning.

17 (3) In this subsection, "psychological methods", "psychological
18 principles", and "psychological procedures" include the body of information that can be
19 derived from a graduate program in psychology, and other education or training
20 recognized by the Board as prerequisites for a license under this title, and that does
21 not amount to the practice of medicine.

22 [(g) "Psychologist" means an individual who practices psychology.]

23 **(G) "REGISTERED PSYCHOLOGY ASSOCIATE" MEANS AN INDIVIDUAL**
24 **WHO MEETS THE REQUIREMENTS IN § 18-302(G) OF THIS TITLE AND IS**
25 **REGISTERED BY THE BOARD TO PRACTICE PSYCHOLOGY.**

26 **(H) "REGISTRATION" MEANS, UNLESS THE CONTEXT REQUIRES**
27 **OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PRACTICE**
28 **PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE.**

29 18-202.

30 (a) (1) The Board consists of 9 members.

31 (2) Of the 9 Board members:

32 (i) 2 shall be consumer members; and

1 (ii) 7 shall be licensed psychologists, of whom:

2 1. At least 2 shall be engaged primarily in providing
3 psychological services; and

4 2. At least 2 shall be engaged primarily in teaching,
5 training, or research in psychology.

6 (3) The Governor shall appoint the psychologist members, with the
7 advice of the Secretary and the advice and consent of the Senate, from a list of names
8 submitted to the Secretary by the Maryland Psychological Association.

9 (4) For each vacancy of a psychologist member, the Maryland
10 Psychological Association shall:

11 (i) Notify all licensed psychologists in the State of the vacancy
12 to solicit nominations to fill the vacancy; and

13 (ii) Conduct a balloting process where every licensed
14 psychologist is eligible to vote to select the names of the licensed psychologists that
15 will be submitted to the Governor.

16 (5) The Governor shall appoint the consumer members with the advice
17 of the Secretary and the advice and consent of the Senate.

18 (b) Each psychologist member of the Board shall be:

19 (1) A licensed psychologist who has practiced, taught, or engaged in
20 research in psychology for at least 5 years;

21 (2) A citizen of the United States; and

22 (3) A resident of this State.

23 (c) Each consumer member of the Board:

24 (1) Shall be a member of the general public;

25 (2) May not be or ever have been a psychologist **OR PSYCHOLOGY**
26 **ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY ASSOCIATE**;

27 (3) May not have a household member who is a psychologist **OR**
28 **PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY**
29 **ASSOCIATE**;

30 (4) May not participate or ever have participated in a commercial or
31 professional field related to psychology;

1 (5) May not have a household member who participates in a
2 commercial or professional field related to psychology; and

3 (6) May not have had within 2 years before appointment a substantial
4 financial interest in a person regulated by the Board.

5 (d) While a member of the Board, a consumer member may not have a
6 substantial financial interest in a person regulated by the Board.

7 (e) Before taking office, each appointee to the Board shall take the oath
8 required by Article I, § 9 of the Maryland Constitution.

9 (f) (1) The term of a member is 4 years.

10 (2) The terms of members are staggered as required by the terms
11 provided for members of the Board on July 1, 1981.

12 (3) At the end of a term, a member continues to serve until a successor
13 is appointed and qualifies.

14 (4) A member who is appointed after a term has begun serves only for
15 the rest of the term and until a successor is appointed and qualifies.

16 (5) To the extent practicable, the Governor shall fill any vacancy on
17 the Board within 60 days of the date of the vacancy.

18 (6) A member may not serve more than 2 consecutive full terms.

19 (g) (1) The Governor may remove a member for incompetence or
20 misconduct.

21 (2) Upon the recommendation of the Secretary, the Governor may
22 remove a member whom the Secretary finds to have been absent from 2 successive
23 Board meetings without adequate reason.

24 18–206.

25 (a) In addition to the powers set forth elsewhere in this title, the Board may
26 adopt rules and regulations to carry out the provisions of this title.

27 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

28 (1) Establish procedures for receiving and investigating complaints,
29 including:

1 (i) Providing notice to the [licensed psychologist] **LICENSEE OR**
2 **REGISTRANT** that a complaint has been filed against the [licensed psychologist]
3 **LICENSEE OR REGISTRANT** and forwarding a copy of the complaint to the [licensed
4 psychologist] **LICENSEE OR REGISTRANT** within 120 days of receipt of the complaint,
5 unless the Board:

6 1. Makes an affirmative determination that the
7 disclosure would prejudice the investigation of the complaint and notifies the licensee
8 **OR REGISTRANT** of the determination; or

9 2. Disposes of the complaint within 120 days of the date
10 of receipt of the complaint; and

11 (ii) Notifying, at least every 3 months, the [licensed
12 psychologist] **LICENSEE OR REGISTRANT** and the complainant as to the status of any
13 outstanding complaint;

14 (2) Submit an annual report of its activities to the Secretary as soon as
15 practicable after the end of each fiscal year; and

16 (3) Adopt an official seal.

17 18–301.

18 (a) Except as otherwise provided in this section, an individual shall be
19 licensed **OR REGISTERED** by the Board before the individual may practice psychology
20 **AS A PSYCHOLOGIST OR PSYCHOLOGY ASSOCIATE** in this State.

21 **(B) A REGISTERED PSYCHOLOGY ASSOCIATE MAY PRACTICE**
22 **PSYCHOLOGY IN THIS STATE ONLY IF:**

23 **(1) THE REGISTERED PSYCHOLOGY ASSOCIATE IS SUPERVISED**
24 **BY A LICENSED PSYCHOLOGIST IN ACCORDANCE WITH REGULATIONS ADOPTED**
25 **BY THE BOARD;**

26 **(2) THE SUPERVISING LICENSED PSYCHOLOGIST IS JOINTLY**
27 **RESPONSIBLE FOR THE PROVISION OF PSYCHOLOGICAL SERVICES BY THE**
28 **REGISTERED PSYCHOLOGY ASSOCIATE; AND**

29 **(3) THE REGISTERED PSYCHOLOGY ASSOCIATE DOES NOT USE**
30 **ANY TITLE OTHER THAN “REGISTERED PSYCHOLOGY ASSOCIATE”.**

31 **[(b)] (C)** Subject to the rules and regulations of the Board, this section does
32 not apply to:

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

5 (2) The education–related services described in regulations adopted by
6 the State Department of Education that are performed by a certified school
7 psychologist:

8 (i) While performing the duties of employment of the certified
9 school psychologist; or

10 (ii) While conducting staff development and training workshops
11 for compensation;

12 (3) The activities and services of a student, intern, resident or fellow
13 while pursuing a supervised course of study in psychology that the Board approves as
14 qualifying training and experience under this title; **AND**

15 (4) [The activities and services of an individual while performing
16 psychological services under the direct supervision of a licensed psychologist who
17 takes full responsibility for the activities and services performed, if the supervised
18 individual has graduated from an accredited college or university with at least a
19 master’s degree based on a program of studies whose content was primarily
20 psychological or a program judged by the Board to be substantially equivalent in
21 subject matter and extent of training to a master’s or doctoral degree in psychology,
22 provided that:

23 (i) The supervised individual may not use any title other than
24 “psychology associate”;

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

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

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

33 [(c)] (D) If, for good cause, an applicant for a license under subsection
34 [(b)(5)] (C)(4) of this section is unable to take the first scheduled examination for
35 which the applicant is eligible, the Board may grant an extension to the individual to
36 take the next scheduled examination for which the applicant is eligible.

1 **[(d)] (E)** The Board may authorize an unlicensed individual to practice
2 psychology, subject to any limitations the Board imposes, if:

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

4 (2) The individual:

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

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

8 **[(e)] (F)** **(1)** The exceptions of subsection **[(b)(1)] (C)(1)** of this section do
9 not apply to individuals who are employed by the Department, a county health
10 department, the Baltimore City Health Department, the Department of State Police,
11 or the Department of Public Safety and Correctional Services after July 1, 1985.

12 **(2)** An individual who is employed by any of the departments under
13 this subsection on July 1, 1985 but who is not licensed by the Board shall function
14 under the direct supervision of a licensed psychologist who takes full responsibility for
15 the psychological services provided by the individual.

16 18–302.

17 (a) To qualify for a license **OR REGISTRATION**, an applicant shall be an
18 individual who meets the requirements of this section.

19 (b) The applicant shall be of good moral character.

20 (c) The applicant shall be at least 18 years old.

21 **[(d)** The applicant shall have a doctoral degree in psychology as defined in §
22 18–101(c) of this title.

23 (e) Except as otherwise provided in this subtitle, the applicant shall pass an
24 examination given by the Board under this subtitle.

25 (f) The applicant shall have at least 2 years of professional supervised
26 experience in psychology that is approved by the Board in accordance with regulations
27 adopted by the Board.]

28 **[(g)] (D)** **(1)** Except as provided in this subsection, an applicant shall
29 reside or practice, or intend to reside or practice, in this State.

30 (2) The Board may issue a license **OR REGISTRATION** to an applicant
31 who is neither a resident of this State nor practicing in this State if the applicant

1 shows that issuing the license **OR REGISTRATION** would be in the interest of the
2 citizens or government of this State.

3 **[(h)] (E)** The applicant shall submit to a criminal history records check in
4 accordance with § 18–302.1 of this subtitle.

5 **(F) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO**
6 **QUALIFY TO BE A LICENSED PSYCHOLOGIST, AN APPLICANT SHALL:**

7 **(1) HAVE A DOCTORAL DEGREE IN PSYCHOLOGY; AND**

8 **(2) HAVE AT LEAST 2 YEARS OF PROFESSIONAL, SUPERVISED**
9 **EXPERIENCE IN PSYCHOLOGY THAT IS APPROVED BY THE BOARD IN**
10 **ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

11 **(G) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION AND IN**
12 **ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE**
13 **A REGISTERED PSYCHOLOGY ASSOCIATE, AN APPLICANT SHALL:**

14 **(1) HAVE A MASTER’S DEGREE IN CLINICAL PSYCHOLOGY,**
15 **COUNSELING PSYCHOLOGY, OR SCHOOL PSYCHOLOGY FROM A PROGRAM**
16 **ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION;**

17 **(2) HAVE A MASTER’S DEGREE IN EDUCATION WITH A FIELD OF**
18 **SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY FROM A**
19 **PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION**
20 **ACCREDITATION;**

21 **(3) BE ADMITTED TO CANDIDACY FOR A DOCTORAL DEGREE IN**
22 **CLINICAL PSYCHOLOGY, COUNSELING PSYCHOLOGY, SCHOOL PSYCHOLOGY, OR**
23 **EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR**
24 **COUNSELING PSYCHOLOGY IN A PROGRAM ACCREDITED BY THE COUNCIL FOR**
25 **HIGHER EDUCATION ACCREDITATION, AFTER HAVING SATISFACTORILY:**

26 **(i) COMPLETED AT LEAST 3 YEARS OF POSTGRADUATE**
27 **EDUCATION IN PSYCHOLOGY; AND**

28 **(ii) PASSED PRELIMINARY DOCTORAL EXAMINATIONS;**

29 **(4) HAVE COMPLETED A DOCTORAL DEGREE IN PSYCHOLOGY OR**
30 **IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR**
31 **COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL**
32 **FOR HIGHER EDUCATION ACCREDITATION; OR**

1 **(5) HAVE AT LEAST A MASTER’S LEVEL DEGREE FROM A**
2 **PROGRAM OUTSIDE THE UNITED STATES THAT HAS BEEN DETERMINED BY THE**
3 **BOARD TO BE EQUIVALENT TO A DEGREE LISTED IN ITEM (1), (2), OR (4) OF**
4 **THIS SUBSECTION.**

5 **(H) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, AN**
6 **APPLICANT SHALL SUCCESSFULLY PASS:**

7 **(1) A NATIONAL EXAMINATION IN THE PRACTICE OF**
8 **PSYCHOLOGY; AND**

9 **(2) THE STATE JURISPRUDENCE EXAMINATION.**

10 **(I) THE BOARD SHALL GRANT A WAIVER OF THE REQUIREMENTS OF**
11 **SUBSECTIONS (G) AND (H) OF THIS SECTION TO AN APPLICANT FOR A**
12 **PSYCHOLOGY ASSOCIATE REGISTRATION IF THE APPLICANT WAS APPROVED BY**
13 **THE BOARD BEFORE OCTOBER 1, 2014, TO PRACTICE PSYCHOLOGY AS A**
14 **PSYCHOLOGY ASSOCIATE UNDER THE SUPERVISION OF A LICENSED**
15 **PSYCHOLOGIST.**

16 18–303.

17 To apply for a license **OR REGISTRATION** to practice psychology, an applicant
18 shall:

19 (1) Submit a verified application to the Board on the form that the
20 Board requires;

21 (2) Pay to the Board the application fee set by the Board; and

22 (3) Submit to a criminal history records check in accordance with §
23 18–302.1 of this subtitle.

24 18–304.

25 (a) An applicant who otherwise qualifies for a license **OR REGISTRATION** is
26 entitled to be examined as provided in this section.

27 18–306.

28 (a) The Board shall issue a license **OR REGISTRATION** to any applicant who
29 meets the requirements of this title.

30 (b) The Board shall include on each license **OR REGISTRATION** that the
31 Board issues:

1 (1) The full name of the [licensed psychologist] **LICENSEE OR**
2 **REGISTRANT**;

3 (2) The dates of issuance and expiration;

4 (3) A serial number;

5 (4) The signatures of the chairman and the vice chairman of the
6 Board; and

7 (5) The seal of the Board.

8 (c) (1) On receipt of the criminal history record information of an
9 applicant for licensure **OR REGISTRATION** forwarded to the Board in accordance with
10 § 18–302.1 of this subtitle, in determining whether to grant a license or [certificate]
11 **REGISTRATION**, the Board shall consider:

12 (i) The age at which the crime was committed;

13 (ii) The circumstances surrounding the crime;

14 (iii) The length of time that has passed since the crime;

15 (iv) Subsequent work history;

16 (v) Employment and character references; and

17 (vi) Other evidence that demonstrates whether the applicant
18 poses a threat to the public health or safety.

19 (2) The Board may not issue a license **OR REGISTRATION** if the
20 criminal history record information required under § 18–302.1 of this subtitle has not
21 been received.

22 18–307.

23 (a) Except as otherwise provided in this section, a license **OR**
24 **REGISTRATION** authorizes the licensee **OR REGISTRANT** to practice psychology while
25 the license **OR REGISTRATION** is effective.

26 18–308.

27 (a) The Board shall maintain a roster that contains the name and address of
28 each psychologist **AND PSYCHOLOGY ASSOCIATE** currently licensed **OR**

1 REGISTERED, listed alphabetically by name and geographically by address, and any
2 other information the Board considers desirable.

3 (b) The Board shall:

4 (1) Respond to inquiries from the public regarding information
5 contained in the roster; and

6 (2) Provide copies of the roster by mail to the public on request.

7 18–309.

8 (a) (1) A license OR REGISTRATION expires on the date set by the Board,
9 unless it is renewed for an additional term as provided in this section.

10 (2) A license OR REGISTRATION may not be renewed for a term
11 longer than 2 years.

12 (b) (1) (I) At least 90 days before [the] A license expires, the Board
13 shall send a renewal notice to the licensee:

14 [(i)] 1. By first–class mail to the last known address of the
15 licensee; or

16 [(ii)] 2. If requested by the licensee, by electronic means to
17 the last known electronic mail address of the licensee.

18 [(2)] (II) If a renewal notice sent by electronic means under
19 [paragraph (1)(ii)] SUBPARAGRAPH (I)2 of this [subsection] PARAGRAPH is returned
20 to the Board as undeliverable, the Board shall send a renewal notice to the licensee by
21 first–class mail to the last known address of the licensee.

22 (2) AT LEAST 90 DAYS BEFORE A REGISTRATION EXPIRES, THE
23 BOARD SHALL SEND A RENEWAL NOTICE TO THE REGISTRANT:

24 (I) BY FIRST–CLASS MAIL TO THE LAST KNOWN ADDRESS
25 OF THE REGISTRANT; OR

26 (II) BY ELECTRONIC MEANS TO THE LAST KNOWN
27 ELECTRONIC MAIL ADDRESS OF THE REGISTRANT.

28 (c) The renewal notice sent under subsection (b) of this section shall state:

29 (1) The date on which the current license OR REGISTRATION expires;

1 (2) The date by which the renewal application must be received by the
2 Board for the renewal to be issued and mailed before the license **OR REGISTRATION**
3 expires; and

4 (3) The amount of the renewal fee.

5 (d) Each licensee **OR REGISTRANT** shall notify the Board in writing of any
6 change in the licensee's **OR REGISTRANT'S** address or electronic mail address within
7 30 days after the change occurs.

8 (e) Before the license **OR REGISTRATION** expires, the licensee **OR**
9 **REGISTRANT** periodically may renew it for an additional 2-year term, if the licensee
10 **OR REGISTRANT**:

11 (1) Otherwise is entitled to be licensed **OR REGISTERED**;

12 (2) Pays to the Board a renewal fee set by the Board; and

13 (3) Submits to the Board:

14 (i) A renewal application on the form that the Board requires;
15 and

16 (ii) Satisfactory evidence of compliance with any continuing
17 education requirements set under this section for license **OR REGISTRATION** renewal.

18 (f) (1) The Board may establish continuing education requirements as a
19 condition to the renewal of licenses **OR REGISTRATIONS** under this section.

20 (2) The requirements established under this subsection shall be[:

21 (i) Set] **SET** by the Board as to the amount and type of study
22 required[; and

23 (ii) Standard for all licensed psychologists].

24 (g) The Board shall renew the license **OR REGISTRATION** of each licensee
25 **OR REGISTRANT** who meets the requirements of this section.

26 18–310.

27 (a) (1) The Board shall place a licensee on inactive status, if the licensee
28 submits to the Board:

29 (i) An application for inactive status on the form required by
30 the Board; and

1 (ii) The inactive status fee set by the Board.

2 (2) (i) The Board shall license an individual on inactive status who
3 applies for a license if the individual:

4 1. Complies with the renewal requirements that exist at
5 the time the individual changes from inactive status to active status; and

6 2. Meets the continuing education requirements set by
7 the Board.

8 (ii) The Board may not require payment of a late fee by an
9 individual as a condition to licensing under this paragraph.

10 (b) The Board shall reinstate the license **OR REGISTRATION** of a
11 psychologist **OR PSYCHOLOGY ASSOCIATE** [who has not been put on inactive status
12 and] who has failed to renew the license **OR REGISTRATION** for any reason if the
13 psychologist **OR PSYCHOLOGY ASSOCIATE**:

14 (1) Meets the renewal requirements of § 18–309 of this subtitle;

15 (2) Pays to the Board a reinstatement fee set by the Board; and

16 (3) Applies to the Board for reinstatement of the license **OR**
17 **REGISTRATION** within 5 years after the license **OR REGISTRATION** expires.

18 (c) (1) The Board may not reinstate the license **OR REGISTRATION** of a
19 psychologist **OR PSYCHOLOGY ASSOCIATE** who fails to apply for reinstatement of the
20 license **OR REGISTRATION** within 5 years after the license **OR REGISTRATION**
21 expires. [However, the]

22 (2) **A psychologist OR PSYCHOLOGY ASSOCIATE WHO FAILS TO**
23 **APPLY FOR REINSTATEMENT OF THE LICENSE OR REGISTRATION WITHIN 5**
24 **YEARS AFTER THE LICENSE OR REGISTRATION EXPIRES** may become licensed **OR**
25 **REGISTERED** by meeting the current requirements for obtaining a new license **OR**
26 **REGISTRATION** under this title.

27 18–311.

28 (a) (1) The Board shall adopt a code of ethics for psychologists **AND**
29 **PSYCHOLOGY ASSOCIATES** in this State.

30 (2) The code of ethics **ADOPTED UNDER PARAGRAPH (1) OF THIS**
31 **SUBSECTION** shall be designed to protect the public interest.

1 (b) In adopting the code of ethics, the Board shall consider:

2 (1) The ethical standards of psychologists published by the American
3 Psychological Association; and

4 (2) The professional character of psychological services.

5 (c) In adopting the code of ethics, the Board shall announce and hold public
6 hearings on the subject.

7 18–312.

8 (a) Unless the Board agrees to accept the surrender of a license **OR**
9 **REGISTRATION**, a licensed psychologist **OR REGISTERED PSYCHOLOGY ASSOCIATE**
10 may not surrender the license **OR REGISTRATION** nor may the license **OR**
11 **REGISTRATION** lapse by operation of law while the licensee **OR REGISTRANT** is
12 under investigation or while charges are pending against the psychologist **OR**
13 **PSYCHOLOGY ASSOCIATE**.

14 (b) The Board may set conditions on its agreement with the psychologist **OR**
15 **PSYCHOLOGY ASSOCIATE** under investigation or against whom charges are pending
16 to accept surrender of the psychologist's license **OR PSYCHOLOGY ASSOCIATE'S**
17 **REGISTRATION**.

18 18–313.

19 Subject to the hearing provisions of § 18–315 of this subtitle, the Board, on the
20 affirmative vote of a majority of its members then serving, may deny a license **OR**
21 **REGISTRATION** to any applicant, reprimand any licensee **OR REGISTRANT**, place any
22 licensee **OR REGISTRANT** on probation, or suspend or revoke a license **OR**
23 **REGISTRATION** of any licensee **OR REGISTRANT** if the applicant [or licensee],
24 **LICENSEE, OR REGISTRANT**:

25 (1) Fraudulently or deceptively obtains or attempts to obtain a license
26 **OR REGISTRATION** for the applicant [or licensee], **LICENSEE, OR REGISTRANT** or
27 for another;

28 (2) Fraudulently or deceptively uses a license **OR REGISTRATION**;

29 (3) Is convicted of or pleads guilty or nolo contendere to a felony or a
30 crime involving moral turpitude, whether or not any appeal or other proceeding is
31 pending to have the conviction or plea set aside;

32 (4) Is or has been addicted to any narcotic or habitually intoxicated;

- 1 (5) Aids or abets an unauthorized person in practicing psychology or
2 representing oneself to be a psychologist **OR A PSYCHOLOGY ASSOCIATE**;
- 3 (6) Practices psychology fraudulently or deceitfully;
- 4 (7) Violates the code of ethics adopted by the Board under § 18–311 of
5 this subtitle;
- 6 (8) Willfully fails to file or record any report as required under law,
7 willfully impedes or obstructs the filing or recording of the report, or induces another
8 to fail to file or record the report;
- 9 (9) Submits a false statement to collect a fee;
- 10 (10) Willfully makes or files a false report or record in the practice of
11 psychology;
- 12 (11) Is disciplined by a licensing or disciplinary authority of any state
13 or country or convicted or disciplined by a court of any state or country or disciplined
14 by any branch of the United States uniformed services or the United States Veterans
15 Administration for an act that would be grounds for disciplinary action under the
16 Board’s disciplinary statutes;
- 17 (12) Violates any provision of this title or any regulation adopted by the
18 Board;
- 19 (13) Uses or promotes or causes the use of any misleading, deceiving, or
20 untruthful advertising matter, promotional literature, or testimonial;
- 21 (14) Is professionally, physically, or mentally incompetent;
- 22 (15) Promotes the sale of devices, appliances, or goods to a patient so as
23 to exploit the patient for financial gain;
- 24 (16) Behaves immorally in the practice of psychology;
- 25 (17) Commits an act of unprofessional conduct in the practice of
26 psychology;
- 27 (18) Refuses, withholds from, denies, or discriminates against an
28 individual with regard to the provision of professional services for which the licensee
29 **OR REGISTRANT** is licensed **OR REGISTERED** and qualified to render because the
30 individual is HIV positive;
- 31 (19) Fails to cooperate with a lawful investigation conducted by the
32 Board;

1 (20) Does an act that is inconsistent with generally accepted
2 professional standards in the practice of psychology; [or]

3 (21) Fails to submit to a criminal history records check in accordance
4 with § 18–302.1 of this subtitle; **OR**

5 **(22) FAILS TO SUPERVISE A REGISTERED PSYCHOLOGY ASSOCIATE**
6 **IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

7 18–313.1.

8 (a) If, after a hearing under § 18–315 of this subtitle, the Board finds that
9 there are grounds under § 18–313 of this subtitle to suspend or revoke a license **OR**
10 **REGISTRATION** or to reprimand a licensee **OR REGISTRANT**, the Board may impose a
11 monetary penalty not exceeding \$10,000:

12 (1) Instead of suspending the license **OR REGISTRATION**; or

13 (2) In addition to suspending or revoking the license **OR**
14 **REGISTRATION.**

15 18–314.

16 (a) If, in investigating an allegation brought against a licensee **OR**
17 **REGISTRANT** under this title, the Board has reason to believe that the licensee **OR**
18 **REGISTRANT** may cause harm to persons affected by the licensee's **OR**
19 **REGISTRANT'S** practice of psychology, the Board, on its own initiative, may direct the
20 licensee **OR REGISTRANT** to submit to an appropriate examination by a psychologist
21 or physician designated by the Board.

22 (b) In return for the privilege given to a licensee **OR REGISTRANT** to practice
23 psychology in the State, the licensee **OR REGISTRANT** is deemed to have:

24 (1) Consented to submit to an examination under this section, if
25 requested by the Board in writing; and

26 (2) Waived any claim of privilege as to the testimony or examination
27 reports of the examining psychologist or physician.

28 (c) The failure or refusal of the licensee **OR REGISTRANT** to submit to an
29 examination required under subsection (b) of this section is prima facie evidence of the
30 licensee's **OR REGISTRANT'S** inability to practice psychology competently, unless the
31 Board finds that the failure or refusal was beyond the control of the licensee **OR**
32 **REGISTRANT.**

1 18-316.

2 (c) A decision of the Board to deny a license **OR REGISTRATION**, enforce a
3 suspension of a license **OR REGISTRATION** for more than 1 year, or revoke a license
4 **OR REGISTRATION** may not be stayed pending judicial review.

5 18-317.

6 For reasons the Board considers sufficient, and on the affirmative vote of a
7 majority of its members then serving, the Board may:

8 (1) Reinstatement a license **OR REGISTRATION** that has been revoked;

9 (2) Reduce the period of a suspension; or

10 (3) Withdraw a reprimand.

11 18-401.

12 (a) Except as otherwise provided in this title, a person may not practice,
13 attempt to practice, or offer to practice psychology in this State unless licensed **OR**
14 **REGISTERED** by the Board.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2014.