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January 28, 2022

Senator Paul Pinsky

Chair, Education, Health, and Environmental Affairs Committee

11 Bladen Street

Annapolis, MD 21401

RE: **SB 77 Health Occupations Boards -Investigations – Right to Counsel**
Position: **SUPPORT WITH AMENDMENTS**

Dear Senator Pinsky and Members of the Committee,

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, asks the **Senate Education, Health, and Environmental Affairs Committee to amend and favorably report on Senate Bill 77.**

The Maryland Psychological Association asks that the committee vote in favor of SB 77 and amend the bill to permit the attorney to participate in the interview process. Specifically, we request the proposed amendment to SB 77: **insert “, REGISTERED” after “LICENSEE in lines 16 and 18; Insert the words “AND PARTICIPATE IN” after the word “AT” in line 22 on page 1.**

Psychologists who appear before the Board of Examiners of Psychology because of a complaint have, in fact, been allowed to have an attorney present and participate in the interview process. However, we understand that this is a decision made by our Board and that many other licensing Boards do not allow the licensee, registrant, or certificate holder to have an attorney present or do not allow the attorney to participate in the meeting. We further understand that the Maryland Attorney General and many other Boards have directly stated that the investigative process is a civil matter and that a licensed, registered, or certified health care professional does not have the legal right to counsel during the investigation phase.

The MPA, therefore urges you to amend and favorably report on SB 77 to ensure that all licensed, registered, and certified health care professionals have the right to counsel and the right to have their counsel participate in the investigation phase.

Please feel free to contact MPA's Executive Director Stefanie Reeves at exec@marylandpsychology.org if we can be of assistance.

Sincerely,

Linda McGhee

R. Patrick Savage, Jr.

Linda McGhee, Psy.D., JD
President

R. Patrick Savage, Jr., Ph.D.
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
Barbara Brocato & Dan Shattuck, MPA Government Affairs