

# HOUSE BILL 274

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3lr1281  
CF SB 345

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By: **Delegate Hubbard**

Introduced and read first time: January 23, 2013

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of ~~altering the membership of the State Board of Examiners of~~  
5 ~~Psychologists; requiring the Governor to appoint the psychology associate~~  
6 ~~member of the Board with the advice and consent of certain individuals;~~  
7 ~~requiring the Maryland Psychological Association to notify all licensed~~  
8 ~~psychology associates of a certain vacancy on the Board and conduct a certain~~  
9 ~~balloting process regarding the vacancy; specifying the qualifications for the~~  
10 ~~psychology associate member of the Board; requiring an individual, except~~  
11 ~~under certain circumstances, to be licensed registered by the Board before~~  
12 ~~practicing psychology as a psychology associate in the State; specifying the~~  
13 ~~circumstances under which a licensed registered psychology associate is~~  
14 ~~authorized to practice psychology in the State; repealing obsolete language~~  
15 ~~regarding an exemption from licensure for psychology associates; requiring an~~  
16 ~~individual to meet certain requirements to qualify for licensure registration as a~~  
17 ~~psychology associate; requiring an applicant for licensure registration as a~~  
18 ~~psychology associate, except under certain circumstances, to pass certain~~  
19 ~~examinations; requiring the Board to grant a waiver of certain licensure~~  
20 ~~registration requirements to certain applicants; requiring an applicant for a~~  
21 ~~registration to practice psychology to meet certain requirements; providing that~~  
22 ~~an applicant who otherwise qualifies for a registration is entitled to be~~  
23 ~~examined in a certain manner; providing that a registration authorizes a~~  
24 ~~registrant to practice psychology while the registration is effective; requiring~~  
25 ~~the Board to maintain a roster that contains the names and certain other~~

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

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations

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

24 Annotated Code of Maryland

25 (2009 Replacement Volume and 2012 Supplement)

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

28 **Article – Health Occupations**

29 18–101.

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

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

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

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

35 1. Is accredited by the American Psychological  
 36 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 OR PSYCHOLOGY~~  
26 ~~ASSOCIATE.~~

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

30                   ~~(F) “LICENSED PSYCHOLOGY ASSOCIATE” MEANS AN INDIVIDUAL WHO~~  
31 ~~MEETS THE REQUIREMENTS IN § 18-302(G) OF THIS TITLE AND IS LICENSED BY~~  
32 ~~THE BOARD TO PRACTICE PSYCHOLOGY.~~

33                   ~~{(f)}~~ (c) (1) “Practice psychology” means to provide to any person:

1 (i) Any service for compensation involving the application of  
2 psychological principles, psychological methods, or psychological procedures for  
3 understanding, predicting, or influencing behavior, including the principles that relate  
4 to learning, perception, motivation, emotions, organizational relationships, and  
5 interpersonal relationships;

6 (ii) Any service for compensation involving the application of  
7 psychological methods or psychological procedures for interviewing, counseling,  
8 psychotherapy, behavior modification, or hypnosis; or

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

13 (2) "Practice psychology" includes:

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

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

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

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

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

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

31 **(H) "REGISTRATION" MEANS, UNLESS THE CONTEXT REQUIRES**  
32 **OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PRACTICE**  
33 **PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE.**

34 18-202.

1 (a) (1) The Board consists of ~~9~~ 10 members.

2 (2) Of the ~~9~~ 10 Board members:

3 (i) 2 shall be consumer members; ~~and~~

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

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

7 2. At least 2 shall be engaged primarily in teaching,  
8 training, or research in psychology; ~~AND~~

9 ~~(iii) 1 shall be a licensed psychology associate.~~

10 (3) The Governor shall appoint the psychologist ~~AND PSYCHOLOGY~~  
11 ~~ASSOCIATE~~ members, with the advice of the Secretary and the advice and consent of  
12 the Senate, from a list of names submitted to the Secretary by the Maryland  
13 Psychological Association.

14 (4) For each vacancy of a psychologist ~~OR PSYCHOLOGY ASSOCIATE~~  
15 member, the Maryland Psychological Association shall:

16 (i) Notify all licensed psychologists ~~OR LICENSED~~  
17 ~~PSYCHOLOGY ASSOCIATES~~ in the State of the vacancy to solicit nominations to fill  
18 the vacancy; and

19 (ii) Conduct a balloting process where every licensed  
20 psychologist ~~OR LICENSED PSYCHOLOGY ASSOCIATE~~ is eligible to vote to select the  
21 names of the licensed psychologists ~~OR LICENSED PSYCHOLOGY ASSOCIATES~~ that  
22 will be submitted to the Governor.

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

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

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

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

29 (3) A resident of this State.

30 ~~(c) THE PSYCHOLOGY ASSOCIATE MEMBER OF THE BOARD SHALL BE:~~

1           ~~(1) A LICENSED PSYCHOLOGY ASSOCIATE WHO HAS PRACTICED~~  
2 ~~PSYCHOLOGY IN THIS STATE FOR AT LEAST 5 YEARS;~~

3           ~~(2) A CITIZEN OF THE UNITED STATES; AND~~

4           ~~(3) A RESIDENT OF THIS STATE.~~

5           ~~{(c)}~~ ~~(D)~~ Each consumer member of the Board:

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

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

9           (3) May not have a household member who is a psychologist **OR**  
10 **PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY**  
11 **ASSOCIATE**;

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

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

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

18           ~~{(d)}~~ ~~(E)~~ While a member of the Board, a consumer member may not have a  
19 substantial financial interest in a person regulated by the Board.

20           ~~{(e)}~~ ~~(F)~~ Before taking office, each appointee to the Board shall take the  
21 oath required by Article I, § 9 of the Maryland Constitution.

22           ~~{(f)}~~ ~~(G)~~ (1) The term of a member is 4 years.

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

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

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

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

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

4           ~~[(g)]~~ ~~(H)~~ (1) The Governor may remove a member for incompetence or  
5 misconduct.

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

9 18–206.

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

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

13                 (1) Establish procedures for receiving and investigating complaints,  
14 including:

15                         (i) Providing notice to the [licensed psychologist] **LICENSEE OR**  
16 **REGISTRANT** that a complaint has been filed against the [licensed psychologist]  
17 **LICENSEE OR REGISTRANT** and forwarding a copy of the complaint to the [licensed  
18 psychologist] **LICENSEE OR REGISTRANT** within 120 days of receipt of the complaint,  
19 unless the Board:

20                                 1. Makes an affirmative determination that the  
21 disclosure would prejudice the investigation of the complaint and notifies the licensee  
22 **OR REGISTRANT** of the determination; or

23                                 2. Disposes of the complaint within 120 days of the date  
24 of receipt of the complaint; and

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

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

30                         (3) Adopt an official seal.

31 18–301.

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

4 **(B) A ~~LICENSED~~ REGISTERED PSYCHOLOGY ASSOCIATE MAY PRACTICE**  
5 **PSYCHOLOGY IN THIS STATE ONLY IF:**

6 **(1) THE ~~LICENSED~~ REGISTERED PSYCHOLOGY ASSOCIATE IS**  
7 **SUPERVISED BY A LICENSED PSYCHOLOGIST IN ACCORDANCE WITH**  
8 **REGULATIONS ADOPTED BY THE BOARD;**

9 **(2) THE SUPERVISING LICENSED PSYCHOLOGIST IS JOINTLY**  
10 **RESPONSIBLE FOR THE PROVISION OF PSYCHOLOGICAL SERVICES BY THE**  
11 **~~LICENSED~~ REGISTERED PSYCHOLOGY ASSOCIATE; AND**

12 **(3) THE ~~LICENSED~~ REGISTERED PSYCHOLOGY ASSOCIATE DOES**  
13 **NOT USE ANY TITLE OTHER THAN “~~LICENSED~~ REGISTERED PSYCHOLOGY**  
14 **ASSOCIATE”.**

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

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

21 (2) The education-related services described in regulations adopted by  
22 the State Department of Education that are performed by a certified school  
23 psychologist:

24 (i) While performing the duties of employment of the certified  
25 school psychologist; or

26 (ii) While conducting staff development and training workshops  
27 for compensation;

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

31 (4) **[**The activities and services of an individual while performing  
32 psychological services under the direct supervision of a licensed psychologist who  
33 takes full responsibility for the activities and services performed, if the supervised  
34 individual has graduated from an accredited college or university with at least a  
35 master's degree based on a program of studies whose content was primarily



1 psychological or a program judged by the Board to be substantially equivalent in  
2 subject matter and extent of training to a master's or doctoral degree in psychology,  
3 provided that:

4 (i) The supervised individual may not use any title other than  
5 "psychology associate";

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

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

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

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

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

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

21 (2) The individual:

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

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

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

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

33 18-302.

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

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

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

5 [(d) The applicant shall have a doctoral degree in psychology as defined in §  
6 18–101(c) of this title.

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

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

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

14 (2) The Board may issue a license OR REGISTRATION to an applicant  
15 who is neither a resident of this State nor practicing in this State if the applicant  
16 shows that issuing the license OR REGISTRATION would be in the interest of the  
17 citizens or government of this State.

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

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

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

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

26 (G) **EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION AND IN  
27 ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE  
28 A ~~LICENSED~~ REGISTERED PSYCHOLOGY ASSOCIATE, AN APPLICANT SHALL:**

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

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

5           **(3) BE ADMITTED TO CANDIDACY FOR A DOCTORAL DEGREE IN**  
6 **CLINICAL PSYCHOLOGY, COUNSELING PSYCHOLOGY, SCHOOL PSYCHOLOGY, OR**  
7 **EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR**  
8 **COUNSELING PSYCHOLOGY IN A PROGRAM ACCREDITED BY THE COUNCIL FOR**  
9 **HIGHER EDUCATION ACCREDITATION, AFTER HAVING SATISFACTORILY:**

10           **(I) COMPLETED AT LEAST 3 YEARS OF POSTGRADUATE**  
11 **EDUCATION IN PSYCHOLOGY; AND**

12           **(II) PASSED PRELIMINARY DOCTORAL EXAMINATIONS;**

13           **(4) HAVE COMPLETED A DOCTORAL DEGREE IN PSYCHOLOGY OR**  
14 **IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR**  
15 **COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL**  
16 **FOR HIGHER EDUCATION ACCREDITATION; OR**

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

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

23           **(1) A NATIONAL EXAMINATION IN THE PRACTICE OF**  
24 **PSYCHOLOGY; AND**

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

26           **(I) THE BOARD SHALL GRANT A WAIVER OF THE REQUIREMENTS OF**  
27 **SUBSECTIONS (G) AND (H) OF THIS SECTION TO AN APPLICANT FOR A**  
28 **PSYCHOLOGY ASSOCIATE ~~LICENSE~~ REGISTRATION IF THE APPLICANT WAS**  
29 **APPROVED BY THE BOARD BEFORE OCTOBER 1, 2013, TO PRACTICE**  
30 **PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE UNDER THE SUPERVISION OF A**  
31 **LICENSED PSYCHOLOGIST.**

32 18-303.

1 To apply for a license OR REGISTRATION to practice psychology, an applicant  
2 shall:

3 (1) Submit a verified application to the Board on the form that the  
4 Board requires;

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

6 (3) Submit to a criminal history records check in accordance with §  
7 18-302.1 of this subtitle.

8 18-304.

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

11 18-306.

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

14 (b) The Board shall include on each license OR REGISTRATION that the  
15 Board issues:

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

18 (2) The dates of issuance and expiration;

19 (3) A serial number;

20 (4) The signatures of the chairman and the vice chairman of the  
21 Board; and

22 (5) The seal of the Board.

23 (c) (1) On receipt of the criminal history record information of an  
24 applicant for licensure OR REGISTRATION forwarded to the Board in accordance with  
25 § 18-302.1 of this subtitle, in determining whether to grant a license or ~~certificate~~  
26 REGISTRATION, the Board shall consider:

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

28 (ii) The circumstances surrounding the crime;

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

- 1 (iv) Subsequent work history;
- 2 (v) Employment and character references; and
- 3 (vi) Other evidence that demonstrates whether the applicant  
4 poses a threat to the public health or safety.

5 (2) The Board may not issue a license **OR REGISTRATION** if the  
6 criminal history record information required under § 18-302.1 of this subtitle has not  
7 been received.

8 18-307.

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

12 18-308.

13 (a) The Board shall maintain a roster that contains the name and address of  
14 each psychologist **AND PSYCHOLOGY ASSOCIATE** currently licensed **OR**  
15 **REGISTERED**, listed alphabetically by name and geographically by address, and any  
16 other information the Board considers desirable.

17 (b) The Board shall:

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

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

21 18-309.

22 (a) A license **OR REGISTRATION** expires on the date set by the Board, unless  
23 it is renewed for an additional term as provided in this section. A license **OR**  
24 **REGISTRATION** may not be renewed for a term longer than 2 years.

25 (b) At least 1 month before the license **OR REGISTRATION** expires, the  
26 Board shall send to the licensee **OR REGISTRANT**, by first-class mail to the last  
27 known address of the licensee **OR REGISTRANT**, a renewal notice that states:

28 (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           (c)    Before the license OR REGISTRATION expires, the licensee OR  
6 REGISTRANT periodically may renew it for an additional 2-year term, if the licensee  
7 OR REGISTRANT:

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

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

10                  (3)    Submits to the Board:

11                               (i)    A renewal application on the form that the Board requires;  
12 and

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

15           (d)    (1)    The Board may establish continuing education requirements as a  
16 condition to the renewal of licenses OR REGISTRATIONS under this section.

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

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

20                               (ii)   Standard for all licensed psychologists].

21           (e)    The Board shall renew the license OR REGISTRATION of each licensee  
22 OR REGISTRANT who meets the requirements of this section.

23 18–310.

24           (a)    (1)    The Board shall place a licensee OR REGISTRANT on inactive  
25 status, if the licensee OR REGISTRANT submits to the Board:

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

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

1           (2)   (i)    The Board shall license **OR REGISTER** an individual on  
2 inactive status who applies for a license **OR REGISTRATION** if the individual:

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

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

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

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

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

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

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

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

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

26 18–311.

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

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

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

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

3 (2) The professional character of psychological services.

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

6 18-312.

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

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

17 18-313.

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

24 (1) Fraudulently or deceptively obtains or attempts to obtain a license  
25 OR REGISTRATION for the ~~applicant or licensee~~ APPLICANT, LICENSEE, OR  
26 REGISTRANT or for another;

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

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

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

32 (5) Aids or abets an unauthorized person in practicing psychology or  
33 representing oneself to be a psychologist OR A PSYCHOLOGY ASSOCIATE;



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

1 (21) Fails to submit to a criminal history records check in accordance  
2 with § 18-302.1 of this subtitle; **OR**

3 **(22) FAILS TO SUPERVISE A ~~LICENSED~~ REGISTERED PSYCHOLOGY**  
4 **ASSOCIATE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

5 18-313.1.

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

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

11 (2) In addition to suspending or revoking the license **OR**  
12 **REGISTRATION**.

13 18-314.

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

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

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

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

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

31 18-316.

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

4   18-317.

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

7                   (1)   Reinstate a license OR REGISTRATION that has been revoked;

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

9                   (3)   Withdraw a reprimand.

10   18-401.

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

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15   October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.