

HOUSE BILL 274

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3lr1281
CF 3lr1243

By: **Delegate Hubbard**

Introduced and read first time: January 23, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

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 by the Board before practicing
12 psychology as a psychology associate in the State; specifying the circumstances
13 under which a licensed psychology associate is authorized to practice psychology
14 in the State; repealing obsolete language regarding an exemption from licensure
15 for psychology associates; requiring an individual to meet certain requirements
16 to qualify for licensure as a psychology associate; requiring an applicant for
17 licensure as a psychology associate, except under certain circumstances, to pass
18 certain examinations; requiring the Board to grant a waiver of certain licensure
19 requirements to certain applicants; requiring the Board to maintain a roster
20 that contains the names and certain other information regarding licensed
21 psychology associates; repealing the requirement that continuing education
22 requirements set by the Board be standard for all licensed psychologists;
23 authorizing the Board, on a certain vote of its membership, to take certain
24 action against a licensee if the licensee fails to supervise a licensed psychology
25 associate in accordance with certain regulations; altering certain definitions;
26 defining a certain term; repealing a certain definition; making certain
27 conforming and stylistic changes; and generally relating to the licensure of
28 psychology associates.

29 BY repealing and reenacting, with amendments,
30 Article – Health Occupations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 18–101, 18–202, 18–206, 18–301, 18–302, 18–306, and 18–308 through
2 18–313
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2012 Supplement)

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

7 **Article – Health Occupations**

8 18–101.

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

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

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

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

14 1. Is accredited by the American Psychological
15 Association or the Canadian Psychological Association; or

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

19 (ii) A doctoral degree in psychology that the Council for the
20 National Register of Health Service Providers in Psychology determines meets its
21 criteria for a doctoral degree in psychology, if the degree was received from a doctoral
22 program in psychology that:

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

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

27 3. Was completed prior to 1981 for United States
28 programs;

29 4. Was completed prior to 1988 for Canadian programs;
30 or

31 5. Is no longer in existence.

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

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

8 (d) “License” means, unless the context requires otherwise, a license issued
9 by the Board to practice psychology **AS A PSYCHOLOGIST OR PSYCHOLOGY**
10 **ASSOCIATE.**

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

14 **(F) “LICENSED PSYCHOLOGY ASSOCIATE” MEANS AN INDIVIDUAL WHO**
15 **MEETS THE REQUIREMENTS IN § 18-302(G) OF THIS TITLE AND IS LICENSED BY**
16 **THE BOARD TO PRACTICE PSYCHOLOGY.**

17 **[(f)] (G)** (1) “Practice psychology” means to provide to any person:

18 (i) Any service for compensation involving the application of
19 psychological principles, psychological methods, or psychological procedures for
20 understanding, predicting, or influencing behavior, including the principles that relate
21 to learning, perception, motivation, emotions, organizational relationships, and
22 interpersonal relationships;

23 (ii) Any service for compensation involving the application of
24 psychological methods or psychological procedures for interviewing, counseling,
25 psychotherapy, behavior modification, or hypnosis; or

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

30 (2) “Practice psychology” includes:

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

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

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

6 (3) In this subsection, “psychological methods”, “psychological
7 principles”, and “psychological procedures” include the body of information that can be
8 derived from a graduate program in psychology, and other education or training
9 recognized by the Board as prerequisites for a license under this title, and that does
10 not amount to the practice of medicine.

11 [(g) “Psychologist” means an individual who practices psychology.]

12 18–202.

13 (a) (1) The Board consists of [9] **10** members.

14 (2) Of the [9] **10** Board members:

15 (i) 2 shall be consumer members; [and]

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

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

19 2. At least 2 shall be engaged primarily in teaching,
20 training, or research in psychology; **AND**

21 **(III) 1 SHALL BE A LICENSED PSYCHOLOGY ASSOCIATE.**

22 (3) The Governor shall appoint the psychologist **AND PSYCHOLOGY**
23 **ASSOCIATE** members, with the advice of the Secretary and the advice and consent of
24 the Senate, from a list of names submitted to the Secretary by the Maryland
25 Psychological Association.

26 (4) For each vacancy of a psychologist **OR PSYCHOLOGY ASSOCIATE**
27 member, the Maryland Psychological Association shall:

28 (i) Notify all licensed psychologists **OR LICENSED**
29 **PSYCHOLOGY ASSOCIATES** in the State of the vacancy to solicit nominations to fill
30 the vacancy; and

1 (ii) Conduct a balloting process where every licensed
2 psychologist **OR LICENSED PSYCHOLOGY ASSOCIATE** is eligible to vote to select the
3 names of the licensed psychologists **OR LICENSED PSYCHOLOGY ASSOCIATES** that
4 will be submitted to the Governor.

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

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

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

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

11 (3) A resident of this State.

12 **(C) THE PSYCHOLOGY ASSOCIATE MEMBER OF THE BOARD SHALL BE:**

13 **(1) A LICENSED PSYCHOLOGY ASSOCIATE WHO HAS PRACTICED**
14 **PSYCHOLOGY IN THIS STATE FOR AT LEAST 5 YEARS;**

15 **(2) A CITIZEN OF THE UNITED STATES; AND**

16 **(3) A RESIDENT OF THIS STATE.**

17 **[(c)] (D)** Each consumer member of the Board:

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

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

21 (3) May not have a household member who is a psychologist **OR**
22 **PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY**
23 **ASSOCIATE**;

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

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

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

1 **[(d)] (E)** While a member of the Board, a consumer member may not have a
2 substantial financial interest in a person regulated by the Board.

3 **[(e)] (F)** Before taking office, each appointee to the Board shall take the
4 oath required by Article I, § 9 of the Maryland Constitution.

5 **[(f)] (G)** (1) The term of a member is 4 years.

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

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

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

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

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

15 **[(g)] (H)** (1) The Governor may remove a member for incompetence or
16 misconduct.

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

20 18–206.

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

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

24 (1) Establish procedures for receiving and investigating complaints,
25 including:

26 (i) Providing notice to the **[licensed psychologist] LICENSEE**
27 that a complaint has been filed against the **[licensed psychologist] LICENSEE** and
28 forwarding a copy of the complaint to the **[licensed psychologist] LICENSEE** within
29 120 days of receipt of the complaint, unless the Board:

1 1. Makes an affirmative determination that the
2 disclosure would prejudice the investigation of the complaint and notifies the licensee
3 of the determination; or

4 2. Disposes of the complaint within 120 days of the date
5 of receipt of the complaint; and

6 (ii) Notifying, at least every 3 months, the [licensed
7 psychologist] LICENSEE and the complainant as to the status of any outstanding
8 complaint;

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

11 (3) Adopt an official seal.

12 18–301.

13 (a) Except as otherwise provided in this section, an individual shall be
14 licensed by the Board before the individual may practice psychology AS A
15 PSYCHOLOGIST OR PSYCHOLOGY ASSOCIATE in this State.

16 **(B) A LICENSED PSYCHOLOGY ASSOCIATE MAY PRACTICE PSYCHOLOGY
17 IN THIS STATE ONLY IF:**

18 **(1) THE LICENSED PSYCHOLOGY ASSOCIATE IS SUPERVISED BY A
19 LICENSED PSYCHOLOGIST IN ACCORDANCE WITH REGULATIONS ADOPTED BY
20 THE BOARD;**

21 **(2) THE SUPERVISING LICENSED PSYCHOLOGIST IS JOINTLY
22 RESPONSIBLE FOR THE PROVISION OF PSYCHOLOGICAL SERVICES BY THE
23 LICENSED PSYCHOLOGY ASSOCIATE; AND**

24 **(3) THE LICENSED PSYCHOLOGY ASSOCIATE DOES NOT USE ANY
25 TITLE OTHER THAN “LICENSED PSYCHOLOGY ASSOCIATE”.**

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

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

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

4 (i) While performing the duties of employment of the certified
5 school psychologist; or

6 (ii) While conducting staff development and training workshops
7 for compensation;

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

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

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

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

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

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

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

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

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

1 (2) The individual:

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

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

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

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

13 18-302.

14 (a) To qualify for a license, an applicant shall be an individual who meets the
15 requirements of this section.

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

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

18 **[(d)** The applicant shall have a doctoral degree in psychology as defined in §
19 18-101(c) of this title.

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

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

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

27 (2) The Board may issue a license to an applicant who is neither a
28 resident of this State nor practicing in this State if the applicant shows that issuing
29 the license would be in the interest of the citizens or government of this State.

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

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

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

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

7 **(G) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION AND IN**
8 **ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE**
9 **A LICENSED PSYCHOLOGY ASSOCIATE, AN APPLICANT SHALL:**

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

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

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

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

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

25 **(4) HAVE COMPLETED A DOCTORAL DEGREE IN PSYCHOLOGY OR**
26 **IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR**
27 **COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL**
28 **FOR HIGHER EDUCATION ACCREDITATION; OR**

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

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

3 **(1) A NATIONAL EXAMINATION IN THE PRACTICE OF**
4 **PSYCHOLOGY; AND**

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

6 **(I) THE BOARD SHALL GRANT A WAIVER OF THE REQUIREMENTS OF**
7 **SUBSECTIONS (G) AND (H) OF THIS SECTION TO AN APPLICANT FOR A**
8 **PSYCHOLOGY ASSOCIATE LICENSE IF THE APPLICANT WAS APPROVED BY THE**
9 **BOARD BEFORE OCTOBER 1, 2013, TO PRACTICE PSYCHOLOGY AS A**
10 **PSYCHOLOGY ASSOCIATE UNDER THE SUPERVISION OF A LICENSED**
11 **PSYCHOLOGIST.**

12 18–306.

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

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

16 (1) The full name of the [licensed psychologist] **LICENSEE**;

17 (2) The dates of issuance and expiration;

18 (3) A serial number;

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

21 (5) The seal of the Board.

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

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

27 (ii) The circumstances surrounding the crime;

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

29 (iv) Subsequent work history;

1 (v) Employment and character references; and

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

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

6 18-308.

7 (a) The Board shall maintain a roster that contains the name and address of
8 each psychologist **AND PSYCHOLOGY ASSOCIATE** currently licensed, listed
9 alphabetically by name and geographically by address, and any other information the
10 Board considers desirable.

11 (b) The Board shall:

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

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

15 18-309.

16 (a) A license expires on the date set by the Board, unless it is renewed for an
17 additional term as provided in this section. A license may not be renewed for a term
18 longer than 2 years.

19 (b) At least 1 month before the license expires, the Board shall send to the
20 licensee, by first-class mail to the last known address of the licensee, a renewal notice
21 that states:

22 (1) The date on which the current license expires;

23 (2) The date by which the renewal application must be received by the
24 Board for the renewal to be issued and mailed before the license expires; and

25 (3) The amount of the renewal fee.

26 (c) Before the license expires, the licensee periodically may renew it for an
27 additional 2-year term, if the licensee:

28 (1) Otherwise is entitled to be licensed;

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

1 (3) Submits to the Board:

2 (i) A renewal application on the form that the Board requires;
3 and

4 (ii) Satisfactory evidence of compliance with any continuing
5 education requirements set under this section for license renewal.

6 (d) (1) The Board may establish continuing education requirements as a
7 condition to the renewal of licenses under this section.

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

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

11 (ii) Standard for all licensed psychologists].

12 (e) The Board shall renew the license of each licensee who meets the
13 requirements of this section.

14 18–310.

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

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

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

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

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

24 2. Meets the continuing education requirements set by
25 the Board.

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

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

- 1 (1) Meets the renewal requirements of § 18–309 of this subtitle;
- 2 (2) Pays to the Board a reinstatement fee set by the Board; and
- 3 (3) Applies to the Board for reinstatement of the license within 5 years
4 after the license expires.

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

8 (2) **A psychologist OR PSYCHOLOGY ASSOCIATE WHO FAILS TO**
9 **APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE**
10 **LICENSE EXPIRES** may become licensed by meeting the current requirements for
11 obtaining a new license under this title.

12 18–311.

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

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

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

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

20 (2) The professional character of psychological services.

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

23 18–312.

24 (a) Unless the Board agrees to accept the surrender of a license, a licensed
25 psychologist **OR LICENSED PSYCHOLOGY ASSOCIATE** may not surrender the license
26 nor may the license lapse by operation of law while the licensee is under investigation
27 or while charges are pending against the psychologist **OR PSYCHOLOGY ASSOCIATE**.

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

1 18–313.

2 Subject to the hearing provisions of § 18–315 of this subtitle, the Board, on the
3 affirmative vote of a majority of its members then serving, may deny a license to any
4 applicant, reprimand any licensee, place any licensee on probation, or suspend or
5 revoke a license of any licensee if the applicant or licensee:

6 (1) Fraudulently or deceptively obtains or attempts to obtain a license
7 for the applicant or licensee or for another;

8 (2) Fraudulently or deceptively uses a license;

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

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

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

15 (6) Practices psychology fraudulently or deceitfully;

16 (7) Violates the code of ethics adopted by the Board under § 18–311 of
17 this subtitle;

18 (8) Willfully fails to file or record any report as required under law,
19 willfully impedes or obstructs the filing or recording of the report, or induces another
20 to fail to file or record the report;

21 (9) Submits a false statement to collect a fee;

22 (10) Willfully makes or files a false report or record in the practice of
23 psychology;

24 (11) Is disciplined by a licensing or disciplinary authority of any state
25 or country or convicted or disciplined by a court of any state or country or disciplined
26 by any branch of the United States uniformed services or the United States Veterans
27 Administration for an act that would be grounds for disciplinary action under the
28 Board's disciplinary statutes;

29 (12) Violates any provision of this title or any regulation adopted by the
30 Board;

31 (13) Uses or promotes or causes the use of any misleading, deceiving, or
32 untruthful advertising matter, promotional literature, or testimonial;

- 1 (14) Is professionally, physically, or mentally incompetent;
- 2 (15) Promotes the sale of devices, appliances, or goods to a patient so as
3 to exploit the patient for financial gain;
- 4 (16) Behaves immorally in the practice of psychology;
- 5 (17) Commits an act of unprofessional conduct in the practice of
6 psychology;
- 7 (18) Refuses, withholds from, denies, or discriminates against an
8 individual with regard to the provision of professional services for which the licensee is
9 licensed and qualified to render because the individual is HIV positive;
- 10 (19) Fails to cooperate with a lawful investigation conducted by the
11 Board;
- 12 (20) Does an act that is inconsistent with generally accepted
13 professional standards in the practice of psychology; [or]
- 14 (21) Fails to submit to a criminal history records check in accordance
15 with § 18-302.1 of this subtitle; **OR**
- 16 **(22) FAILS TO SUPERVISE A LICENSED PSYCHOLOGY ASSOCIATE IN**
17 **ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.**

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