

Department of Legislative Services
 Maryland General Assembly
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FISCAL AND POLICY NOTE
Revised

Senate Bill 225 (Senator Montgomery, *et al.*)
 Education, Health, and Environmental Affairs Health and Government Operations

State Board of Examiners of Psychologists - Psychology Associates - Registration

This bill requires that an individual be registered rather than approved by the State Board of Examiners of Psychologists before the individual may practice as a psychology associate in the State.

Fiscal Summary

State Effect: Special fund revenues for the State Board of Examiners of Psychologists increase by an estimated \$67,000 in FY 2015 from fees for new psychology associate registrations. Special fund expenditures also increase by an estimated \$9,300 for one-time and ongoing administrative expenses associated with issuing the registrations. Future years reflect a biennial renewal pattern, new registrations, and annual increases in ongoing operating expenses.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
SF Revenue	\$67,000	\$42,000	\$79,000	\$54,000	\$79,000
SF Expenditure	\$9,300	\$7,000	\$7,000	\$7,100	\$7,100
Net Effect	\$57,700	\$35,000	\$72,000	\$46,900	\$71,900

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A registered psychology associate may practice psychology only if (1) the individual is supervised by a licensed psychologist in accordance with board

regulations; (2) the supervising licensed psychologist is jointly responsible for the provision of psychological services provided by the individual; and (3) the individual does not use any title other than “registered psychology associate.”

The bill clarifies licensure requirements for psychologists and establishes registration requirements for psychology associates. To qualify as a psychology associate, an applicant must be at least age 18, be of good moral character, and meet one of the following educational requirements:

- have a master’s degree in clinical psychology, counseling psychology, or school psychology;
- have a master’s degree in education with a specialization in psychology or counseling psychology;
- be a doctoral candidate in clinical psychology, counseling psychology, school psychology, or education with a specialization in psychology or counseling psychology; have completed at least three years of postgraduate education in psychology; and have passed preliminary doctoral examinations;
- have a doctoral degree in psychology or education with a specialization in psychology or counseling psychology; or
- have at least a master’s level degree from a program outside the United States that is deemed to be equivalent by the board.

An applicant for registration as a psychology associate must also successfully pass the State jurisprudence examination. Psychology associates approved by the board prior to October 1, 2014, are exempt from these educational requirements and the requirement to pass the State jurisprudence examination. All psychology associates will be required to submit to a criminal history records check (CHRC) at the time of initial registration only, as is currently required of licensed psychologists.

The bill subjects psychology associates to the existing renewal, inactive status, reinstatement, and disciplinary procedures for licensed psychologists. Registrations are valid for a two-year period.

The bill adds a new ground for discipline for licensed psychologists for failure to supervise a registered psychology associate in accordance with regulations adopted by the board. The board must adopt a code of ethics for psychology associates.

The bill also prohibits a consumer member of the board from being, ever having been, or having a household member who is a psychology associate or in training to become a psychology associate.

Current Law: Psychology associates are unlicensed individuals who apply for an exemption to the licensing requirement and work under the direct supervision of a licensed psychologist who has been permitted by the board to supervise psychology associates. To be approved as a psychology associate, the applicant must, per Code of Maryland Regulations (COMAR) 10.36.07.03:

- provide psychological services under the direct supervision of a licensed psychologist who takes full responsibility for the activities and services performed;
- have graduated with at least a master's degree in psychology or in a subject area whose content is primarily psychological in nature;
- be of good moral character;
- pay an application fee, which is 50% of the fee set for the psychologist license application (currently \$100);
- complete an application form approved by the board; and
- present all required documentation of the applicant's education, training, and experience.

Until 2011, psychology associates were not required to renew their status. Regulations (COMAR 10.36.07.07) now require payment of a biennial administrative fee to effectively renew the psychology associate's authority to practice. At the time of license renewal, a licensed psychologist must submit to the board a list of all psychology associates supervised during the previous licensure period. Either the psychologist or the psychology associate must also submit an administrative fee (currently \$100) every two years from the initial date of the board's approval of the psychology associate. Failure to pay the administrative fee results in termination of the supervisory relationship.

The board does not have the power to discipline psychology associates. Any discipline stemming from the actions of a psychology associate is taken solely on the supervising licensed psychologist.

Background: The State Board of Examiners of Psychologists licenses psychologists and approves psychology associates. According to the board, there are currently 450 psychology associates.

The board advises that the exemption for psychology associates was initially created to satisfy a postdoctoral training requirement for licensure as a psychologist. However, the majority of psychology associates maintain their associate status throughout their careers. The need for services provided by psychology associates, such as assistance with psychological testing, has greatly increased along with job opportunities for individuals with a master's degree in psychology or a related field.

State Revenues: Special fund revenues for the State Board of Examiners of Psychologists increase by an estimated \$67,000 in fiscal 2015 from fees for the issuance of psychology associate registrations. The information and assumptions used in calculating the estimate are stated below:

- according to the board, only 250 of the current 450 psychology associates approved by the board will seek a registration at a proposed fee of \$200 (the remaining 200 psychology associates will either stop practicing or continue on to become a licensed psychologist – any fiscal impact associated with these individuals has not been accounted for);
- as these individuals are exempt from the State jurisprudence examination requirement under the bill, no examination fees will be collected by the board for them;
- net revenues to the board for each of these 250 psychology associates will be \$100 as the board currently collects a \$100 *biennial* fee for each psychology associate to renew their status (for purposes of this analysis, all of these individuals are assumed to otherwise renew their status in fiscal 2015);
- an additional 120 individuals not yet approved by the board as psychology associates will apply for a psychology associate registration at a total fee of \$450 (\$200 registration fee and \$250 State examination fee); and
- in the absence of the bill, these individuals would have paid a \$100 fee for initial approval as a psychology associate; therefore, net revenues to the board for each of these individuals will be \$350.

Special fund revenues for the board increase by \$42,000 in fiscal 2016 due to initial registration fees from an estimated 120 new applicants (each generating \$350 in net revenues).

Special fund revenues for the board increase by \$79,000 in fiscal 2017 and future odd-numbered fiscal years, which reflects ongoing renewals and an estimated 120 new

applicants annually. This figure reflects net new revenues to the board over those it would otherwise collect for the existing psychology associate approval. It does not reflect any potential increase (or decrease) in the number of new applicants for registration or any attrition among registered psychology associates, many of whom are expected to seek licensure as a psychologist (at higher fees) once they meet the appropriate education and experience requirements.

State Expenditures: Special fund expenditures for the board increase by an estimated \$9,285 in fiscal 2015, which accounts for the bill's October 1, 2014 effective date. This estimate reflects one-time start-up costs (purchase of a computer workstation, software, and a printer) and ongoing operating expenses (administering the State jurisprudence examination to an estimated 120 applicants annually; printing and postage; and supplies).

One-time Start-up Costs	\$3,000
Ongoing Operating Expenses	<u>6,285</u>
Total FY 2015 State Expenditures	\$9,285

According to the board, existing staff can handle the additional workload associated with the registration requirement provided that the number of registered psychology associates remains under 1,000. Future years reflect annual increases in ongoing operating expenses.

Additional Comments: Each psychology associate applying for registration will be subject to a CHRC at a cost of \$54.50 for a State and national CHRC including a \$20 fingerprinting fee, a \$16.50 fee to the Federal Bureau of Investigation, and an \$18 fee to the Criminal Justice Information System (CJIS) Central Repository in the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes.

Additional Information

Prior Introductions: HB 274 of 2013 passed the House with amendments but, as with its cross file, SB 345, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: HB 113 (Delegate Hubbard) - Health and Government Operations.

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

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