

**HEALTH OCCUPATIONS
TITLE 18. PSYCHOLOGISTS
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS**

Md. HEALTH OCCUPATIONS Code Ann. § 18-101 (2014)

§ 18-101. Definitions

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

(b) Board. -- "Board" means the State Board of Examiners of Psychologists.

(c) Doctoral degree in psychology. --

(1) "Doctoral degree in psychology" means:

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

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

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

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

1. Is located outside the United States and Canada;

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

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

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

5. Is no longer in existence.

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

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

(d) License. -- "License" means, unless the context requires otherwise, a license issued by the Board to practice psychology as a psychologist.

(e) Licensed psychologist. -- "Licensed psychologist" means an individual who meets the requirements in § 18-302(f) of this title and is licensed by the Board to practice psychology.

(f) Practice psychology. --

(1) "Practice psychology" means to provide to any person:

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

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

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

(2) "Practice psychology" includes:

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

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

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

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

(g) Registered psychology associate. -- "Registered psychology associate" means an individual who meets the requirements in § 18-302(g) of this title and is registered by the

Board to practice psychology.

(h) Registration. -- "Registration" means, unless the context requires otherwise, a registration issued by the Board to practice psychology as a psychology associate.

§ 18-102. Scope of title

Unless the individual uses as a title or describes the services the individual provides by use of the words "psychological", "psychologist", or "psychology", this title does not limit:

- (1) The right of an individual to practice a health occupation that the individual is licensed, certified, or otherwise authorized to practice under this article;
- (2) The right of an individual to provide vocational rehabilitation services as authorized under Title 9, Subtitle 6 of the Labor and Employment Article; or
- (3) The nonprofit activities and services of a bona fide religious organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

§ 18-201. Board established

There is a State Board of Examiners of Psychologists in the Department.

§ 18-202. Membership

- (a) Composition; appointment of members; psychologist vacancies. --
- (1) The Board consists of 9 members.
 - (2) Of the 9 Board members:
 - (i) 2 shall be consumer members; and
 - (ii) 7 shall be licensed psychologists, of whom:
 1. At least 2 shall be engaged primarily in providing psychological services; and
 2. At least 2 shall be engaged primarily in teaching, training, or research in psychology.
 - (3) The Governor shall appoint the psychologist members, with the advice of the Secretary and the advice and consent of the Senate, from a list of names submitted to the Secretary by the Maryland Psychological Association.
 - (4) For each vacancy of a psychologist member, the Maryland Psychological Association shall:

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

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

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

(b) Qualifications of psychologist member. -- Each psychologist member of the Board shall be:

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

(2) A citizen of the United States; and

(3) A resident of this State.

(c) Qualifications of consumer members -- In general. -- Each consumer member of the Board:

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

(2) May not be or ever have been a psychologist or psychology associate or in training to become a psychologist or psychology associate;

(3) May not have a household member who is a psychologist or psychology associate or in training to become a psychologist or psychology associate;

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

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

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

(d) Qualifications of consumer members -- Restriction. -- While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

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

(f) Tenure; vacancies. --

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

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

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

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

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

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

(g) Removal. --

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

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

§ 18-203. Officers

(a) In general. -- From among its members, the Board annually shall elect a chairman and a vice chairman.

(b) Elections; duties. -- The Board shall determine:

(1) The manner of election of officers; and

(2) The duties of each officer.

§ 18-204. Quorum; meetings; compensation; staff

(a) Quorum. -- A majority of the members then serving on the Board is a quorum.

(b) Meetings. --

(1) The Board shall meet at least once a year, at the times and places that it determines.

(2) The Board may hold special meetings, if:

(i) Requested by the Secretary; or

(ii) The chairman or a majority of the members then serving on the Board consider a meeting to be necessary or advisable.

(3) Reasonable notice of all Board meetings shall be given in the manner determined by the Board.

(c) Compensation and reimbursement for expenses. -- A member of the Board is entitled to:

(1) Compensation, in accordance with the budget of the Board, for each day on which the member is engaged in performing the duties of the member's office; and

(2) Reimbursement for expenses at a rate determined by the Board.

(d) Staff. --

(1) The Board may designate one of its staff as Board administrator.

(2) The Board administrator may be compensated in accordance with the budget of the Board.

(3) The Board may employ other staff in accordance with the budget of the Board.

§ 18-205. Good faith exemption from civil liability

A person shall have the immunity from liability described under § 5-717 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.

§ 18-206. Miscellaneous powers and duties

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

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

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

(i) Providing notice to the licensee or registrant that a complaint has been filed against the licensee or registrant and forwarding a copy of the complaint to the licensee or registrant within 120 days of receipt of the complaint, unless the Board:

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

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

(ii) Notifying, at least every 3 months, the licensee or registrant and the complainant as to the status of any outstanding complaint;

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

(3) Adopt an official seal.

§ 18-206.1. Disclosure of information

(a) Records. -- The Board may disclose any information contained in a record of the Board to any other health occupations regulatory board of this State or another state if the health occupations regulatory board of this State or another state requests the information in writing.

(b) Investigatory files. -- The Board, its executive director or administrator, or the Office of the Attorney General, may disclose to any licensing or disciplinary authority or other law enforcement, prosecutorial, or judicial authority, any information in the investigatory files of the Board.

§ 18-207. State Board of Examiners for Psychologists Fund -- Establishment of fees; disposition of funds

(a) Fund established. -- There is a State Board of Examiners for Psychologists Fund.

(b) Establishment of fees. --

(1) The Board shall set reasonable fees for the issuance and renewal of licenses and its other services.

(2) The fees charged shall be set so as to produce revenues that approximate the cost of maintaining the Board.

(3) Funds to cover the compensation and expenses of the Board members shall be generated by fees set under this section.

(c) Disposition of funds. --

(1) The Board shall pay all funds collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees to the State Board of Examiners for Psychologists Fund.

(d) Fund -- Uses; nature; reversion; funding. --

(1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(2) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

(4) No other State money may be used to support the Fund.

(e) Fund -- Administration; expenditures. --

(1) A designee of the Board shall administer the Fund.

(2) Moneys in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

(f) Fund -- Audits. -- The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

§ 18-301. License required

(a) In general. -- Except as otherwise provided in this section, an individual shall be licensed or registered by the Board before the individual may practice psychology as a psychologist or psychology associate in this State.

(b) Registered psychology associates. -- A registered psychology associate may practice psychology in this State only if:

(1) The registered psychology associate is supervised by a licensed psychologist in accordance with regulations adopted by the Board;

(2) The supervising licensed psychologist is jointly responsible for the provision of psychological services by the registered psychology associate; and

(3) The registered psychology associate does not use any title other than "registered psychology associate".

(c) Exceptions -- In general. -- Subject to the rules and regulations of the Board, this section does not apply to:

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

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

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

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

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

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

(d) Extension for examination. -- If, for good cause, an applicant for a license under subsection (c)(4) of this section is unable to take the first scheduled examination for which the applicant is eligible, the Board may grant an extension to the individual to take the next scheduled examination for which the applicant is eligible.

(e) Exceptions for nonresidents. -- The Board may authorize an unlicensed individual to practice psychology, subject to any limitations the Board imposes, if:

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

(2) The individual:

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

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

(f) Exceptions for certain State and local government employees. --

(1) The exceptions of subsection (c)(1) of this section do not apply to individuals who are employed by the Department, a county health department, the Baltimore City Health Department, the Department of State Police, or the Department of Public Safety and Correctional Services after July 1, 1985.

(2) An individual who is employed by any of the departments under this subsection on July 1, 1985 but who is not licensed by the Board shall function under the direct supervision

of a licensed psychologist who takes full responsibility for the psychological services provided by the individual.

§ 18-302. Qualifications of applicants

(a) In general. -- To qualify for a license or registration, an applicant shall be an individual who meets the requirements of this section.

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

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

(d) Residence; place of practice. --

(1) Except as provided in this subsection, an applicant shall reside or practice, or intend to reside or practice, in this State.

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

(e) Criminal history records check. -- The applicant shall submit to a criminal history records check in accordance with § 18-302.1 of this subtitle.

(f) Qualifications -- Licensed psychologist. -- In addition to the other requirements of this section, to qualify to be a licensed psychologist, an applicant shall:

(1) Have a doctoral degree in psychology; and

(2) Have at least 2 years of professional, supervised experience in psychology that is approved by the Board in accordance with regulations adopted by the Board.

(g) Qualifications -- Registered psychology associate. -- Except as provided in subsection (i) of this section and in addition to the other requirements of this section, to qualify to be a registered psychology associate, an applicant shall:

(1) Have a master's degree in clinical psychology, counseling psychology, or school psychology from a program accredited by the Council for Higher Education Accreditation;

(2) Have a master's degree in education with a field of specialization in psychology or counseling psychology from a program accredited by the Council for Higher Education Accreditation;

(3) Be admitted to candidacy for a doctoral degree in clinical psychology, counseling psychology, school psychology, or education with a field of specialization in psychology or counseling psychology in a program accredited by the Council for Higher Education

Accreditation, after having satisfactorily:

(i) Completed at least 3 years of postgraduate education in psychology; and

(ii) Passed preliminary doctoral examinations;

(4) Have completed a doctoral degree in psychology or in education with a field of specialization in psychology or counseling psychology from a program accredited by the Council for Higher Education Accreditation; or

(5) Have at least a master's level degree from a program outside the United States that has been determined by the Board to be equivalent to a degree listed in item (1), (2), or (4) of this subsection.

(h) Examination. --

(1) An applicant for a psychologist license shall successfully pass:

(i) A national examination in the practice of psychology; and

(ii) The State jurisprudence examination.

(2) Except as provided in subsection (i) of this section, an applicant for a psychology associate registration shall successfully pass the State jurisprudence examination.

(i) Waiver of requirements. -- The Board shall grant a waiver of the requirements of subsections (g) and (h)(2) of this section to an applicant for a psychology associate registration if the applicant was approved by the Board before October 1, 2014, to practice psychology as a psychology associate under the supervision of a licensed psychologist.

§ 18-302.1. Criminal history records checks

(a) "Central Repository" defined. -- In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) Required fingerprints and fees. -- As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) Forwarding of information. -- In accordance with §§ 10-201 through 10-228 of the Criminal Procedure Article, the Central Repository shall forward to the Board and the applicant the criminal history record information of the applicant.

(d) Alternate method of criminal history records check. -- If an applicant has made three or more unsuccessful attempts at securing legible fingerprints, the Board may accept an alternate method of a criminal history records check as allowed by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Confidentiality of information. -- Information obtained from the Central Repository under this section:

(1) Shall be confidential;

(2) May not be disseminated; and

(3) Shall be used only for the licensing purpose authorized by this title.

§ 18-303. Applications for licenses or registrations.

To apply for a license or registration to practice psychology, an applicant shall:

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

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

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

§ 18-304. Examinations

(a) Right to examination. -- An applicant who otherwise qualifies for a license or registration is entitled to be examined as provided in this section.

(b) Time and place of examination. -- The Board shall give examinations to applicants at least once a year, at the times and places that the Board determines.

(c) Notice of examination. -- The Board shall notify each qualified applicant of the time and place of examination.

(d) Subject and method of examination. -- The Board shall determine the subjects, scope, form, and passing score for examinations given under this subtitle.

(e) Reexamination. --

(1) The Board may not limit the number of times an applicant may take an examination required under this subtitle.

(2) The applicant shall pay to the Board a reexamination fee set by the Board for each reexamination.

§ 18-305. Reciprocity

(a) In general. -- Subject to the provisions of this section, the Board may waive any examination requirement of this title for an individual who is licensed or certified as a psychologist in any other state.

(b) Conditions. -- The Board may grant a waiver under this section only if the applicant:

(1) Pays the application fee required by the Board under § 18-303 of this subtitle; and

(2) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title; and

(ii) Became licensed or certified in the other state under requirements substantially equivalent to the licensing requirements of this title.

§ 18-306. Issuance and contents of license or registration.

(a) Issuance. -- The Board shall issue a license or registration to any applicant who meets the requirements of this title.

(b) Contents. -- The Board shall include on each license or registration that the Board issues:

(1) The full name of the licensee or registrant;

(2) The dates of issuance and expiration;

(3) A serial number;

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

(5) The seal of the Board.

(c) Considerations. --

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

- (i) The age at which the crime was committed;
- (ii) The circumstances surrounding the crime;
- (iii) The length of time that has passed since the crime;
- (iv) Subsequent work history;
- (v) Employment and character references; and

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

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

§ 18-307. Scope of license or registration.

(a) In general. -- Except as otherwise provided in this section, a license or registration authorizes the licensee or registrant to practice psychology while the license or registration is effective.

(b) Exception. -- An individual licensed by the Board is authorized to use the words "psychological", "psychologist", or "psychology" to describe the services the individual provides, for purposes of reimbursement, but not for any other purpose, if:

(1) The individual originally was certified without examination because the individual had at least 25 years of experience as an instructor in psychiatry on the teaching staff of an accredited school of medicine in this State and applied for certification without examination before January 1, 1979; and

(2) When the individual was certified, the Board stipulated that the use of those words by the individual was so limited.

§ 18-308. Roster of licensed psychologists and psychology associates.

(a) In general. -- The Board shall maintain a roster that contains the name and address of each psychologist and psychology associate currently licensed or registered, listed alphabetically by name and geographically by address, and any other information the Board considers desirable.

(b) Availability to public. -- The Board shall:

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

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

§ 18-309. Term and renewal of licenses

(a) Term of license. --

(1) A license or registration expires on the date set by the Board, unless it is renewed for an additional term as provided in this section.

(2) A license or registration may not be renewed for a term longer than 2 years.

(b) Renewal notice. --

(1) (i) At least 90 days before a license expires, the Board shall send a renewal notice to the licensee:

1. By first-class mail to the last known address of the licensee; or

2. If requested by the licensee, by electronic means to the last known electronic mail address of the licensee.

(ii) If a renewal notice sent by electronic means under subparagraph (i)2 of this paragraph is returned to the Board as undeliverable, the Board shall send a renewal notice to the licensee by first-class mail to the last known address of the licensee.

(2) At least 90 days before a registration expires, the Board shall send a renewal notice to the registrant:

(i) By first-class mail to the last known address of the registrant; or

(ii) By electronic means to the last known electronic mail address of the registrant.

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

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

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

(3) The amount of the renewal fee.

(d) Change of address notice to Board by licensees or registrants. -- Each licensee or registrant shall notify the Board in writing of any change in the licensee's or registrant's address or electronic mail address within 30 days after the change occurs.

(e) Application for renewal. -- Before the license or registration expires, the licensee or registrant periodically may renew it for an additional 2-year term, if the licensee or registrant:

(1) Otherwise is entitled to be licensed or registered;

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

(3) Submits to the Board:

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

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

(f) Continuing education. --

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

(2) The requirements established under this subsection shall be set by the Board as to the amount and type of study required.

(g) Issuance of renewal. -- The Board shall renew the license or registration of each licensee or registrant who meets the requirements of this section.

§ 18-310. Inactive status; reinstatement of expired licenses or registrations.

(a) Inactive status. --

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

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

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

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

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

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

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

(b) Reinstatement of expired license or registration -- In general. -- The Board shall reinstate the license or registration of a psychologist or psychology associate who has failed to renew the license or registration for any reason if the psychologist or psychology associate:

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

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

(3) Applies to the Board for reinstatement of the license or registration within 5 years after the license or registration expires.

(c) Reinstatement of expired license or registration -- Limitation. --

(1) The Board may not reinstate the license or registration of a psychologist or psychology associate who fails to apply for reinstatement of the license or registration within 5 years after the license or registration expires.

(2) A psychologist or psychology associate who fails to apply for reinstatement of the license or registration within 5 years after the license or registration expires may become licensed or registered by meeting the current requirements for obtaining a new license or registration under this title.

§ 18-311. Code of ethics

(a) In general. --

(1) The Board shall adopt a code of ethics for psychologists and psychology associates in this State.

(2) The code of ethics adopted under paragraph (1) of this subsection shall be designed to protect the public interest.

(b) Required considerations. -- In adopting the code of ethics, the Board shall consider:

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

(2) The professional character of psychological services.

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

§ 18-312. Surrender of license or registration.

(a) In general. -- Unless the Board agrees to accept the surrender of a license or registration, a licensed psychologist or registered psychology associate may not surrender the license or registration nor may the license or registration lapse by operation of law while the licensee or registrant is under investigation or while charges are pending against the psychologist or psychology associate.

(b) Conditions. -- The Board may set conditions on its agreement with the psychologist or psychology associate under investigation or against whom charges are pending to accept surrender of the psychologist's license or psychology associate's registration.

§ 18-313. Denials, reprimands, suspensions, and revocations -- Grounds

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

(1) Fraudulently or deceptively obtains or attempts to obtain a license or registration for the applicant, licensee, or registrant or for another;

(2) Fraudulently or deceptively uses a license or registration;

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

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

(5) Aids or abets an unauthorized person in practicing psychology or representing oneself to be a psychologist or a psychology associate;

(6) Practices psychology fraudulently or deceitfully;

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

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

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

- (10) Willfully makes or files a false report or record in the practice of psychology;
- (11) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the United States Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (12) Violates any provision of this title or any regulation adopted by the Board;
- (13) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;
- (14) Is professionally, physically, or mentally incompetent;
- (15) Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (16) Behaves immorally in the practice of psychology;
- (17) Commits an act of unprofessional conduct in the practice of psychology;
- (18) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee or registrant is licensed or registered and qualified to render because the individual is HIV positive;
- (19) Fails to cooperate with a lawful investigation conducted by the Board;
- (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology;
- (21) Fails to submit to a criminal history records check in accordance with § 18-302.1 of this subtitle; or
- (22) Fails to supervise a registered psychology associate in accordance with regulations adopted by the Board.

§ 18-313.1. Monetary penalties

(a) In general. -- If, after a hearing under § 18-315 of this subtitle, the Board finds that there are grounds under § 18-313 of this subtitle to suspend or revoke a license or registration or to reprimand a licensee or registrant, the Board may impose a monetary penalty not exceeding \$ 10,000:

- (1) Instead of suspending the license or registration; or

(2) In addition to suspending or revoking the license or registration.

(b) Regulatory authority. -- The Board shall adopt regulations to set standards for the imposition of monetary penalties under this section.

(c) Disposition of collected moneys. -- The Board shall pay any penalty collected under this section into the General Fund of the State.

§ 18-314. Psychological or physical examination

(a) Direction to licensee to submit to examination. -- If, in investigating an allegation brought against a licensee or registrant under this title, the Board has reason to believe that the licensee or registrant may cause harm to persons affected by the licensee's or registrant's practice of psychology, the Board, on its own initiative, may direct the licensee or registrant to submit to an appropriate examination by a psychologist or physician designated by the Board.

(b) Consent; waiver of privileges. -- In return for the privilege given to a licensee or registrant to practice psychology in the State, the licensee or registrant is deemed to have:

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

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

(c) Failure or refusal to comply. -- The failure or refusal of the licensee or registrant to submit to an examination required under subsection (b) of this section is prima facie evidence of the licensee's or registrant's inability to practice psychology competently, unless the Board finds that the failure or refusal was beyond the control of the licensee or registrant.

(d) Costs. -- The Board shall pay the cost of any examination made under this section.

§ 18-315. Hearings

(a) Right to hearing. -- Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 18-313 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) Application of Administrative Procedure Act. -- The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) Specific notice requirements. -- The hearing notice to be given to the individual shall be served personally or by certified mail, return receipt requested, bearing a postmark from

the United States Postal Service, to the last known address of the individual at least 10 days before the hearing.

(d) Right to counsel. -- The individual may be represented at the hearing by counsel.

(e) Subpoenas; oaths. --

(1) Over the signature of an officer or the administrator of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before the Board.

(2) The Board shall issue subpoenas on behalf of the individual if the individual:

(i) Requests that the Board do so; and

(ii) States under oath that the testimony or evidence sought is necessary to the individual's defense.

(3) If, without lawful excuse, an individual disobeys a subpoena from the Board or an order by the Board to take an oath, testify, or answer a question, on petition of the Board, a court of competent jurisdiction may compel compliance with the subpoena.

(f) Ex parte hearings. -- If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

(g) Procedural defects not ground for stay or challenge of hearing. -- The hearing of charges may not be stayed or challenged by any procedural defects alleged to have occurred before the filing of charges.

§ 18-316. Review.

(a) In general. -- Except as provided in this section for an action under § 18-313 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may petition for judicial review as allowed by the Administrative Procedure Act.

(b) Action under § 18-313. -- Any person aggrieved by a final decision of the Board under § 18-313 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided in the Administrative Procedure Act.

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

§ 18-317. Amendment of order

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

- (1) Reinstate a license or registration that has been revoked;
- (2) Reduce the period of a suspension; or
- (3) Withdraw a reprimand.

§ 18-317.1. Injunctive relief

(a) Actions. -- An action may be maintained in the name of the State or the Board to enjoin:

- (1) The unauthorized practice of psychology; or
- (2) Conduct that is a ground for disciplinary action under § 18-313 of this subtitle.

(b) Standing. -- An action under this section may be brought by:

- (1) The Board, in its own name;
- (2) The Attorney General, in the name of the State; or
- (3) A State's Attorney, in the name of the State.

(c) Venue. -- An action under this section shall be brought in the county where the defendant:

- (1) Resides; or
- (2) Engages in the acts sought to be enjoined.

(d) Proof of damages not required. -- Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.

(e) Other actions not precluded. -- An action under this section is in addition to and not instead of criminal prosecution for the unauthorized practice of psychology under § 18-401 of this title or disciplinary action under § 18-313 of this subtitle.

§ 18-318. Psychologist rehabilitation committees

(a) "Psychologist rehabilitation committee" defined. -- In this section, "psychologist rehabilitation committee" means a committee that:

- (1) Is defined in subsection (b) of this section; and

(2) Performs any of the functions listed in subsection (d) of this section.

(b) In general. -- For purposes of this section, a psychologist rehabilitation committee is a committee of the Board or a committee of the Maryland Psychological Association that:

(1) Is recognized by the Board; and

(2) Includes but is not limited to psychologists.

(c) Scope of authority. -- A rehabilitation committee of the Board or recognized by the Board may function:

(1) Solely for the Board; or

(2) Jointly with a rehabilitation committee representing another board or boards.

(d) Functions. -- For purposes of this section, a psychologist rehabilitation committee evaluates and provides assistance to any psychologist, and any other individual regulated by the Board, in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(e) Discoverability and admissibility of proceedings, records and files. --

(1) Except as otherwise provided in this subsection, the proceedings, records, and files of the psychologist rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of the matters that are being or have been reviewed and evaluated by the psychologist rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the psychologist rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) Good faith exemption from civil liability. -- A person who acts in good faith and within the scope of jurisdiction of the psychologist rehabilitation committee is not civilly liable for any action as a member of the psychologist rehabilitation committee or for giving information to, participating in, or contributing to the function of the psychologist rehabilitation committee.

§ 18-401. Practicing without license or registration.

(a) In general. -- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice psychology in this State unless licensed or

registered by the Board.

(b) Each violation separate offense. -- Each violation of this section is a separate offense.

§ 18-402. Misrepresentation as psychologist

(a) In general. -- Unless authorized to practice psychology under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice psychology in this State.

(b) Titles. -- Unless authorized or permitted to do so by this title, a person may not use as a title or describe the services the person provides by use of the words "psychological", "psychologist", or "psychology".

§ 18-403.

Reserved.

§ 18-404. Penalties

(a) In general. -- A person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 10,000 or imprisonment in jail not exceeding 1 year or both.

(b) Violation of § 18-401. --

(1) A person who violates § 18-401 of this subtitle is subject to a civil fine of not more than \$ 50,000 to be assessed by the Board in accordance with regulations adopted by the Board.

(2) The Board shall pay any penalty collected under this subsection into the State Board of Examiners for Psychologists Fund.

§ 18-501. Short title

This title may be cited as the "Maryland Psychologists Act".

§ 18-502. Termination of title

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, 2023.