

THE BOARD MAY AUTHORIZE AN INDIVIDUAL WHO IS NOT CERTIFIED TO USE AS A TITLE OR TO DESCRIBE THE SERVICES THE INDIVIDUAL PROVIDES BY USE OF THE WORDS "PSYCHOLOGICAL", "PSYCHOLOGIST", OR "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 CERTIFICATE.

REVISOR'S NOTE: This section is new language that combines without substantive change Art. 43, §§ 619(c), 620, 633, and 643.

In subsection (a) of this section, the present references to the individual who "offers to render or renders services involving the application of principles, methods and procedures of the science and profession of psychology" for personal gain are deleted as superfluous. Present Art. 43, § 619(c), by using the disjunctive "or", indicates that the same prohibition and available sanctions apply to merely holding oneself out to the public by the prohibited titles or descriptions of services as to providing psychological services while using the prohibited titles or descriptions of services. Therefore, the references to providing psychological services add nothing of substance to the prohibition.

In subsection (b) of this section, the phrase "this section does not apply to" is substituted for the phrase "nothing in this subtitle shall be construed limited". Present Art. 43, § 633 appears to exempt certain individuals from all of the provisions of this title, but each of the exceptions phrased in terms of "activities" and "services". Therefore, the individuals referred to are certification exceptions.

As to subsection (b)(4) of this section, the Commission to Revise the Annotated Code calls the attention of the General Assembly to two problems of scope. Unlike a new resident of this State, a long standing resident of this State must await actual certification before being able to use the title "psychologist" and similar terms. Also, there is no requirement that the new resident of this State be licensed or certified as a psychologist in another state.