

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 2
Yeas:	Bruun, Cannon, Dembrow, Garrett, Kennemer, Kotek, Maurer, Thompson
Nays:	0
Exc.:	Harker, Greenlick
Prepared By:	Roxie Cuellar, Administrator
Meeting Dates:	5/11, 5/22, 5/27

WHAT THE MEASURE DOES: Increases maximum civil penalty from \$1,000 to \$5,000 not to exceed \$10,000, under certain circumstances, that the State Board of Psychologist Examiners may impose for disciplinary violations. Specifies circumstances under which the board may impose the maximum civil penalty. Requires a person with a doctoral degree in psychology, who is employed by and practicing psychology at agencies or described state programs, to practice psychology for no more than 24 months without a license. Applies to disciplinary actions proposed by the board on or after January 1, 2010.

ISSUES DISCUSSED:

- Fine as deterrence for practicing without a license
- Cost of disciplinary actions
- Distinction in penalties against licensed and unlicensed persons
- Other penalty options
- Proposed amendments

EFFECT OF COMMITTEE AMENDMENT: Specifies circumstances under which the board may impose the \$10,000 civil penalty. Requires a person with a doctoral degree in psychology, who is employed by and practicing psychology at agencies or described state programs, to practice psychology for no more than 24 months without a license.

BACKGROUND: Currently, the State Board of Psychologist Examiners is authorized to level a civil penalty of up to \$1,000 for individuals that practice without a license or for licensees the Board determines should be assessed a penalty as appropriate discipline. Civil penalties are the Board's only recourse to stop an individual from violating the State Board of Psychologist Examiner's Practice Act.

Practicing individuals can charge in excess of \$100 per hour. Under the current statutory maximum civil penalty of \$1,000, the fine amount may have only a minimal deterrent effect. Additionally, licensees have refused to pay the imposed civil penalty, triggering administrative hearings, and staff time for processing and collection of the penalty can exceed the \$1,000 maximum fine.