

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Kruse, Monnes Anderson, Telfer, Verger, Morrisette
Nays:	0
Exc.:	0
Prepared By:	Jennifer Kellar, Administrator
Meeting Dates:	1/28

WHAT THE MEASURE DOES: Increases from \$1,000 to \$10,000 the maximum civil penalty the State Board of Psychologist Examiners may impose for disciplinary violations. Applies to disciplinary actions proposed by the Board on or after January 1, 2010.

ISSUES DISCUSSED:

- Civil penalty only recourse for Board to deal with violators of the Board's Practice Act
- Current \$1,000 limit is not deterrent to stop due to potential income that is generated through practicing
- Increased penalty amount of \$10,000 would defray the investigative and administrative hearing costs incurred in pursuing unlicensed practice cases

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The State Board of Psychologist Examiners is statutorily authorized to level a civil penalty 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 can often have only a minimal deterrent effect. Individuals have also 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.