

SB

251

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate/Health Education and Social Services Committee 3/18/86, 1:38 pm

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Mary Van Nimwegen

HESS 2-11-86 1:36 PM

Superseded

SB 251: "An Act relating to regulation of the practice of psychology; and providing for an effective date."

The Department of Commerce and Economic Development remains neutral on this legislation.

The changes proposed were similar to those offered by this agency during the last sunset review hearings. There is one concern in that the bill prohibits the board from recognizing professional (which in most cases are national) accrediting institutions as an alternative to approving academic institutions.

The bill is also directed toward benefiting the psychological associate level of licensure.

Harry D. Treager

Harry D. Treager, Director
Division of Occupational Licensing

April 8, 1985
Date

Loren H. Lounsbury

Loren H. Lounsbury, Commissioner

4/10/85
Date

State's license law scored by fisherman

By JOHN MOULDER
Times Staff Writer

A Cordova fisherman who is trained in psychology is trying to win passage in the Alaska Legislature of a law to make it easier for himself and others to be state-licensed as psychologists.

State Sen. Jay Kerttula of Palmer, whose district includes Cordova, is sponsoring Senate Bill 251 which would bring Alaska psychology licensure law in line with existing California licensing requirements.

The bill was drafted by Cordova fisherman Robert M. "Bob" Arvidson, who has a doctor's degree in psychology from the University of Nevada. Arvidson has also taught psychology in universities.

Present Alaska law allows state certification only for psychologists who have degrees from schools approved by the American Psychological Association.

Arvidson said only about half the 350 doctorate granting schools in the U.S. have programs that are approved by the APA.

"Because of this, entry into professional psychology is unnecessarily restricted," he added.

In a letter seeking support for SB 251, Arvidson wrote:

"The best way to explain the bill is to cite the case of my friend, a former priest who was recently denied licensure by the Alaska Psychology Board. My friend has three master degrees, an earned doctorate in psychology, several years of professional clinical psychology experience and is a licensed psychologist in California, but was recently denied licensure in Alaska because he had not graduated from an approved program.

SB 251 will put an end to this nonsense. Alaska needs qualified psychological health service providers.

Arvidson said SB 251 will give the psychology board discretion to approve qualified candidates based upon merit.

"The board will not be hamstrung by rigid criteria and the best interests of the state will be served," said Arvidson. "SB 251 will nullify the irrebutable presumption that graduates of certain programs are incompetent to practice psychology in Alaska."

Arvidson went on: "The psychology board was severely criticized in the 1981 legislative performance audit.

"Passage of SB 251 will show that an effort is being made to improve the development of professional psychology in the state and this will help forestall any effort to terminate the board or psychology statutes in future legislative oversight hearings. This legislation will help avoid 'sunset' legislation."

SB 251, Arvidson said, retains basic education, experience and examination requirements. Applicants will be required to have a doctoral degree in a psychological area, one year of supervised post-doctoral experience and must pass an objective examination developed or approved by the board for licensure.

"SB 251 justifies the psychology board's existence," Arvidson said. "It will give the board something to do other than rubber stamp the American Psychological Association's non-legal directives.

"In effect, SB 251 will return regulation of psychology to the state and the psychology board will have the discretion to approve worthy candidates for licensure irrespective of the pedigree of the schools attended by the applicants.

"Graduates of Alaska's universities will also become eligible for licensure when advanced programs are developed. Philosophically the bill will enable psychology laws to conform to the social needs and reality. Mental health is a major problem in Alaska as it is in the U.S. in general and it is expected that the bill will encourage additional psychologists to locate in the state. Presumably, this will be beneficial to the state."

APR 30 1985

Superseded

CSSB 251: An Act relating to regulation of the practice of psychology; and providing for an effective date.

The Department of Commerce and Economic Development, Division of Occupational Licensing, would support this legislation with proposed amendments.

The division supports Section 08.86.164(e), which moves in the direction of previous audit recommendations by the Division of Legislative Audit that psychological associates be allowed to practice independently within their specialty, with an option that for the more complex psychological practices supervision may be required. An additional recommendation made by Legislative Audit has been that applicants with Master's Degrees and four years of experience should be licensed as psychologists.

In both the 1978 and 1982 Performance Reviews for the board, Legislative Audit recommended that legislation "be introduced to change licensing statutes for psychological associates in order to encourage more qualified applicants to apply and become licensed in the State." Section 08.86.164(e) states: "Notwithstanding (b) of this section, a psychological associate may, upon completing five years of practice in compliance with this statute, petition the board for independent status." The division supports this section since it provides psychological associates with career mobility within the profession.

The department also supports Section 08.86.200(b), which satisfies a concern of the division that laws providing for Confidentiality of Communication should also require reporting of child abuse or child neglect incidents to the proper authorities. Section 08.86.200(b) states: "Notwithstanding (a) of this section, a psychologist or psychological associate must report incidents of child abuse or neglect as required by AS 47.17.020."

The division does not support amendments proposed to Sections 08.86.130(a)(1), 08.86.150(1) and 08.86.162(2) which would eliminate the requirement of being a graduate from a program approved by the American Psychological Association Education and Credentialing Committee in Psychology (APA), or an equivalent program as determined by the board. The division recommends maintaining the language in current statutes which requires "an accredited academic institution with an approved program."

The division supports the current wording for several reasons. First, APA standards provide the board with nationally recognized criteria it may use in evaluating an applicant's records. Adherence to these standards is one method of ensuring minimal competency necessary to protect the public's interests.

In addition, adherence to national standards can benefit the applicant by ensuring an impartial evaluation and by protecting the applicant's ability to be licensed by credentials in another state. Finally, automatic acceptance of an APA approved program prevents the delays associated with a case-by-case evaluation of academic records. That case-by-case approach and its associated delays are not in the best interests of the applicants who have graduated from programs approved by the APA.

At the same time, the statute as currently written does not restrict the ability of the board to review and recognize other programs which meet standards equivalent to those of the APA. In addition, AS 08.86.130(b), as proposed, states that the "board may not deny recognition as an accredited or approved academic institution to an educational institution solely because its program has not been accredited by a professional organization of psychologists." The division feels that the concerns of applicants who have graduated from programs not approved by the APA have their interests protected by these provisions.

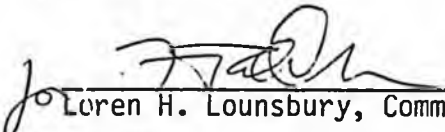
Section 08.86.150 LICENSE BY CREDENTIALS, should be amended on line 6 to read: "licensed or certified as a psychologist by a licensing [AN] authority" This ensures that licensure by credentials is based upon the sanction of a licensing authority in another state, and not upon an endorsement from an association or other organization without licensing authority.

wrong
Section 8 proposes the repeal of AS 08.86.120 and 08.86.230(11). The division recommends that AS 08.86.230(11) remain in the statutes. This section guarantees a minimum commitment of at least one hour a week of supervision. The absence of standards for supervision of a working psychological associate could encourage instances of inadequate supervision.



Nancy Dunn, Director
Division of Occupational Licensing

Date: 2/11/86



Loren H. Lounsbury, Commissioner

Date: 2/11/86

SENATE BILL 251 - QUESTIONS & ANSWERS

Robert M. Arvidson
Box 258; Cordova, Alaska 99574
February 1986

This brief paper focuses on some of the questions that have been asked about SB 251, "An Act relating to regulation of the practice of psychology; and providing for an effective date." This bill was introduced in the Alaska Senate on March 22, 1985 by Senator Kerttula and Senator Josephson and is currently in the Senate HESS Committee.

Q. What is the purpose of SB 251?

A. The purpose of any licensure law is for the protection of public health, safety, and welfare. In addition to continuing the public safety features of the psychology statutes (AS 08.86), the purpose of SB 251 is to enhance mental health efforts in the state by expanding the recognition given to doctoral degrees held by applicants for psychology licensure. This will be accomplished by the repeal of the "approved program" stipulation in the current psychology statutes. "Approved program" refers to the requirement that applicants for licensure must be graduates of programs approved by the American Psychological Association (APA) or its equivalent as determined by the board.

Q. Why is this repeal necessary?

A. The APA "approved program" requirement is unnecessarily restrictive and has an adverse on mental health efforts in the state because it discourages qualified applicants from non-approved ^{schools} from applying for licensure in Alaska where mental health professionals are needed. Only slightly more than one-half of the 350 professional schools and universities in the nation that grant the doctorate in psychology are approved by the APA. Almost all of these non-APA approved schools are accredited by at least one recognized accrediting body, such as a state department of education or a regional agency.

Q. What about the equivalency provision ?

A. It is basically meaningless and inoperative as far as psychology licensure in Alaska is concerned.

Q. Is there evidence for this?

A. Yes. It is part of the public record. A review of the official minutes of the psychology board meetings or/and the 1981 legislative audit of the board provides ample evidence of the need for the repeal of "approved program" from the statutes. The repeal of the approved program concept in SB 251 provides for the repeal of the equivalency provision as well.

Q. Why does the psychology board take such a hard line on APA criteria?

A. This is probably due to misguided professionalism. It is also convenient from an administrative point of view. The APA stipulations free the board from having to make decisions. The APA does it for them.

Q. Is this (APA criteria) an unlawful delegation of legislative authority to the APA?

A. Not per se, but it is an unnecessary delegation of legislative authority to the American Psychological Association in Washington, D.C.

Q. What's the alternative?

A. SB 251. This bill will require the board to evaluate applicants according to merit, not on the basis of exclusionary criteria. This is the *raison d'etre* of any board.

Q. Is the use of the APA criteria by the board arbitrary?

A. Yes! The board has not provided the public or the legislature with any evidence that graduates of APA programs are superior to graduates of non-approved programs.

Q. What if all but a handful of programs were approved by the APA? Would the APA requirements be legitimate then?

A. No, not necessarily. This nation and this state are committed to equality. Minority groups have basic rights and these rights must be protected and preserved. On the one hand laws are not generally adopted for a single individual or special groups*, and on the other, laws and regulations must not be based upon arbitrary criteria that would exclude certain persons.

Q. Is there a precedent for the provision of SB 251?

A. Yes, SB 251 is based on current California licensure law. The current California law has been in existence for several years and its provisions provide adequate protection for the public. So will SB 251.

Q. What about the requirement for one year of post doctoral supervised experience in SB 251? Doesn't California require two years of post doctoral experience?

A. California does require two years of supervised experience, but one year of this experience may be satisfied by pre-doctoral experience. A doctorate is required for licensure in SB 251 and it is assumed that an applicant will have a variety of supervised experiences by the time the doctorate is obtained. The one year of required post-doctoral supervised experience in SB 251 is the generally accepted standard for the field. The Alaska psychology licensure law is a generic law.

Q. Does Harvard University have an APA-Approved psychology program?

A. No. The psychology doctoral programs in many prestigious universities such as Harvard, Princeton, Stanford and Chicago have research and academic orientations. There is, however, a counseling and consulting program at Harvard in the Graduate School of Education, but it is not APA-Approved. The Counseling psychology program at Stanford received provisional accreditation from the APA on April 19, 1985.

Q. Does the APA certify programs at the Masters level?

A. No.

Q. Can persons with master's degrees practice psychology?

A. In Alaska, master level persons are licensed as psychological associates and can practice psychology under the supervision of a licensed psychologist. An amendment to SB 251 that would allow associates to petition the board for independent status after five years of supervised practice has received some support.

* Exceptions to this are beyond the scope of this paper.

- Q. Isn't the doctorate the terminal professional degree in psychology?
- A. Yes. Only four states now provide for full licensure of applicants with master's degrees. Alaska needs all of the competent mental health practitioners that it can attract.
- Q. How serious are Alaska's mental health problems?
- A. The proposed state operating budget for the Division of Mental Health and Development Disabilities for fiscal 1987 is \$62,381,300.00 (see House Bill 500).
- Q. Does this figure include funds for youth services and child and youth custody?
- A. No, these agencies are separate divisions where the proposed budget comes to \$34,582,100.00. There is also \$12,848,900.00 proposed for vocational rehabilitation in the Dept. of Education budget. Add to this \$5,492,500.00 that is being proposed by the Dept of Public Safety to address problems of domestic violence and sexual assault.
- Q. Is the proposed mental health budget adequate?
- A. No, not really. The proposed operating budget does not contain any specific funds earmarked for research; nor, does the capital construction budget contain any funds for research equipment or facilities.
- Q. What does SB 251 have to do with Alaska's Mental Health budget?
- A. The passage of SB 251 could conceivably lead to lower mental health service costs to individuals and to the state. California psychologists have proved that the private sector can provide mental health services more economically than governmental units. Thus, if the passage of SB 251 attracts qualified psychologists to Alaska, the Div. of Mental Health could contract with the private sector for the delivery of certain services at savings to the state. This situation will not take place overnight. The problems in Alaska are so severe, that Alaska's U.S. Senator Murkowski has recently co-sponsored legislation that will, "authorize the Indian Health Service to prevent and treat alcohol and drug abuse problems among Indians and Alaska Natives," (U.S. Senator Frank Murkowski, Report to Alaskans, Jan. 1986).
- Q. Will psychologists educated in Alaska's state universities qualify for licensure if SB 251 is passed into law?
- A. Psychology graduates of Alaska's universities will only qualify for licensure as psychological associates, since there are no doctoral programs in Alaska. Psychological associates must be supervised for the rest of their professional lives under current law.

Q. Will Alaskan universities ever develop doctoral programs in psychology?

A. The answer to that question is not known, but the lack of doctoral programs related to Alaska's number one problem should not be due to shortage of funds. The proposed operating budget for FY1987 for the University of Alaska system is \$275,141,600.00. This figure does not include \$61,365,000.00 for scholarship loan funds; nor does it include \$4,919,100.00 that is proposed for the Alaska Postsecondary Education Commission to implement the WICHE student exchange program. It is not known how many WICHE students, if any, are studying psychology at the doctoral level.

Q. What does SB 251 have to do with doctoral programs in psychology in Alaskan Universities?

A. When doctoral psychology programs are finally developed in Alaska's universities, graduates will meet the basic educational requirement of SB 251 and will qualify for full licensure upon completion of one year of post doctoral supervised experience and examination requirements.

Q. Is Alaska the only state that does not have a psychology doctoral program?

A. No. Alaska shares this non-distinction with the state of Idaho. The University of Idaho does, however, have a doctoral program in guidance and counseling in Elementary Education.

Q. Are federal funds available to help develop doctoral programs in Alaskan universities?

A. In the past, many universities have received substantial grants from the National Institutes of Health and the National Science Foundation for developing graduate programs in psychology. These agencies also fund behavioral science research; the National Institutes of Health, for example, had a budget of \$150 million for biobehavioral research in 1984. This year, the agency will have \$137 million available for behavioral and social science research and training. Many other federal agencies have funds available for research and training.

Q. SB 251 is based on California psychology licensure law, a law that does not require graduation from an APA approved program. Does California have any APA approved programs?

A. Yes. Eleven professional schools and universities have APA approved programs in California, including programs in clinical, counseling and school psychology (two of these programs are provisionally approved).

Q. How many professional schools and universities grant the doctorate in psychology in California?

A. According to the 1983 edition of The College Blue Book, there are 22 institutions that grant the doctorate in psychology in California. This total does not include institutions that grant the doctorate in fields such as school psychology, guidance and counseling, human development or psychobiology.

Q. Are these institutions accredited by a recognized accreditation agency?

A. All but one of these institutions are fully accredited by the Western Association of Schools and Colleges (a regional agency). The non-accredited school is California Western University and it is a recognized candidate for accreditation by the National Association of Private Non-traditional Schools and Colleges.

Q. Are all of the campuses of the University of California System APA approved in clinical psychology?

A. No. Only the Berkeley and Los Angeles branches are APA-approved. The campuses at Irvin, Davis, Riverside, San Diego, Santa Cruz, Santa Barbara*, and the University of California Medical Center at San Francisco are all regionally accredited and grant a doctorate in psychology, but are not APA approved. Stanford and Claremont also grant a doctorate in psychology but these universities are not APA approved in clinical psychology. The California Institute of Technology grants a degree in psychobiology but it is not APA approved. The Alaska psychology statutes require licensure to conduct research on human behavior.

Q. What are the implications of the above for Alaska?

A. Under current law, doctoral degrees in psychology granted by these and other institutions across the nation that are known for academic excellence, are not given across the board recognition by the Alaska psychology statutes. Licensure applicants from these institutions must prove (to the Alaska psychology board) that their programs are equivalent to APA approved programs.

Q. Will SB 251 change this?

A. Yes. With the passage of SB 251, any bona fide doctoral degree in psychology or guidance and counseling will satisfy the basic educational requirements for licensure. An applicant will still have to pass a required examination and complete one year of post doctoral supervised experience for full licensure as a psychologist. This means that a doctoral graduate in behavioral neuroscience or psychology from Stanford University who might want to study Alaska's alcohol and drug abuse problem would not have to prove to the Alaska Board of Psychologist and Psychological Associate Examiners that his graduate program is equivalent to the APA approved program at Biola University or Concordia University.

* The Santa Barbara campus has an APA approved program in counseling psychology.

PROPOSE - letter of intent on proposed regs.
remove APA requirements but reference

SB 251

Missouri - 1 yr. supervised ^{prof} experience
doctoral degree
recognized ed. institution
primarily psychological
→ regs - core course work in basic areas of psych.
graduate course work
supervised practical training

New York - 2 yrs. supervised experience
doctoral degree
program registered w/ dept
specific number of credits in each:
→ regs - exper psych, develop, and diff. psych
tests, soc psych...

Washington - doctoral degree
regionally accredited school
1 yr. ^{post-dr} supervised experience
★ → regs - "APA is one way"
then specifies coursework, faculty, students, etc.

Hawaii - doctoral degree
accredited school
1 yr. supervised experience

Ohio - accredited school
1 yr. postdoctoral supervised experience
doctoral degree
→ regs - APA or as specified

Connecticut - doctoral degree

(registered ed. institution / program approved Bd
1 yr. postdr. experience
reqs -> accredited

Illinois - doctoral degree

*

(approved by Dept.
^{not specified if post-dr.}
2 yrs supervised experience

* reqs - "guided but not bound by APA & regional
accreditation"
curriculum supervised by psych, etc.

Oregon

- doctoral degree
accredited school
^{not specified if post dr}
2 yrs supervised experience
reqs - curriculum

Alabama - doctoral degree
accredited school
no experience!

N. Dakota - accredited school
doctoral degree
no experience!

S. Dakota - doctoral degree
regionally accredited school
1 yr. postdoctoral experience

Florida - doctoral degree
(APA approval or comparable
not specified if post-dr.
2 yr. experience
★ regs - accredited, faculty, students,
curriculum, etc.

California - doctoral degree
accredited school
2 yrs. ^{1 post dr.} supervised experience
regs - specify APA are approvable

Alaska - doctoral degree
accredited school
1 yr. ^{post dr.} experience ^{1500 hrs.}
(meet reg. estab. by APA
12 AAC 60.036
★ regs - "applicant-written request for board
determination that program meets APA requirements")

Chapter 18.83 RCW PSYCHOLOGISTS

Sections

18.83.005	Regulation of health care professions—Criteria.
18.83.010	Definitions.
18.83.020	License required—Use of "psychology" or terms of like import.
18.83.025	Director—Authority.
18.83.035	Examining board—Composition—Terms—Chairperson.
18.83.045	Examining board—Meetings—Quorum.
18.83.050	Examining board—Powers and duties.
18.83.051	Examining board—Compensation and expenses.
18.83.053	Option to adopt uniform disciplinary act.
18.83.060	Application for license—Fee.
18.83.070	Applicants—Qualifications—Examination.
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18.83.080	Licenses—Issuance—Display.
18.83.082	Temporary permits.
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18.83.100	Licenses—Failure to renew.
18.83.105	Certificates of qualification.
18.83.110	Privileged communications.
18.83.120	Unethical practice defined.
18.83.130	Denial, suspension, revocation of license.
18.83.135	Disciplinary committee—Immunity—Powers and duties.
18.83.145	Disciplinary committee—Action after hearing.
18.83.155	Disciplinary committee—Notice of action.
18.83.161	Costs of enforcing disciplinary actions.
18.83.165	Appeal.
18.83.170	Reciprocity.
18.83.180	Penalties.
18.83.190	Injunction.
18.83.200	Exemptions.
18.83.210	Certain counseling or guidance not prohibited.
18.83.900	Severability—1965 c 70.

Reviser's note: The powers and duties of the board of psychologist examiners are scheduled for termination under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.323. The board of psychologist examiners was redesignated the examining board of psychology by 1984 c 279 § 75 [RCW 18.83.010].

Health professions account—Fees credited—Requirements for biennial budget request: RCW 43.24.072.

RCW 18.83.005 Regulation of health care professions—Criteria. See chapter 18.120 RCW.

RCW 18.83.010 Definitions. When used in this chapter:

(1) The "practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of evaluation, group relations and behavior adjustment, including but not limited to: (a) counseling and guidance; (b) use of psychotherapeutic techniques with clients who have adjustment problems in the family, at school, at work or in interpersonal relationships; (c) measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills.

This definition does not include the teaching of principles of psychology for accredited educational institutions, or the conduct of research in problems of human or animal behavior.

Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW.

(2) "Director" means director of licensing.

(3) "Board" means the examining board of psychology.

(4) "Committee" means the disciplinary committee established by the board.

(5) "Department" means the department of licensing. [1984 c 279 § 75; 1979 c 158 § 67; 1965 c 70 § 1; 1955 c 305 § 1.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.020 License required—Use of "psychology" or terms of like import. (1) To safeguard the people of the state of Washington from the dangers of unqualified and improper practice of psychology, it shall be unlawful for any person unless exempted from the provisions of this chapter, to represent himself to be a psychologist without first obtaining a license as provided in this chapter.

(2) A person represents himself to be a psychologist when he adopts or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import. [1965 c 70 § 2; 1955 c 305 § 2.]

RCW 18.83.025 Director—Authority. The director has the following authority:

(1) To hire such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter;

(2) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation, hearing, or proceeding, and to reimburse the individuals for services provided. [1984 c 279 § 87.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.035 Examining board—Composition—Terms—Chairperson. There is created the examining board of psychology which shall examine the qualifications of applicants for licensing. The board shall consist of seven psychologists and two public members, all appointed by the governor. The public members shall not be and have never been psychologists or in training to be psychologists; they may not have any household

member who is a psychologist or in training to be a psychologist; they may not participate or ever have participated in a commercial or professional field related to psychology, nor have a household member who has so participated; and they may not have had within two years, before appointment a substantial financial interest in a person regulated by the board. Each psychologist member of the board shall be a citizen of the United States who has actively practiced psychology in the state of Washington for at least three years immediately preceding appointment and who is licensed under this chapter. Each member of the board shall serve for a term of five years. The members of the first board appointed after June 7, 1984, shall determine by lot psychologist members to serve for five, four, and three year terms to stagger the terms, with members of the board existing on June 7, 1984, serving the shorter terms. Public members of the first board appointed after June 7, 1984, shall choose one to serve for five years and one to serve for four years. Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairperson. [1984 c 279 § 76.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.045 Examining board—Meetings—Quorum. The board shall meet at least once each year and at such other times as the board deems appropriate to properly discharge its duties. All meetings shall be held in Olympia, Washington, or such other places as may be designated by the director. Five members of the board shall constitute a quorum, except that oral examinations may be conducted with only three psychologist members. [1984 c 279 § 77.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.050 Examining board—Powers and duties. (1) The board shall adopt such rules as it deems necessary to carry out its functions.

(2) The board shall examine the qualifications of applicants for licensing under this chapter, to determine which applicants are eligible for licensing hereunder and shall forward to the director the names of applicants so eligible.

(3) The board shall administer examinations to qualified applicants on at least an annual basis. The board shall determine the subject matter and scope of the examinations and shall require both written and oral examinations of each applicant, except as provided in RCW 18.83.170. The board may allow applicants to take the written examination upon the granting of their doctoral degree before completion of their internship for supervised experience.

(4) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, and the names and addresses of all licensed psychologists. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

(5) The board shall, by rule, adopt a code of ethics for psychologists which is designed to protect the public interest.

(6) The board shall create a disciplinary committee within the board for the purposes of hearing, examining, and ruling on complaints and evidence of unethical conduct or practices brought by the public, other psychologists, organizations, corporations, public or private agencies, or officers, agencies, or instrumentalities of state, county, or local governments. [1984 c 279 § 78; 1965 c 70 § 5; 1955 c 305 § 5.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.951 Examining board—Compensation and expenses. (Effective until July 1, 1985.) Each member of the board shall receive the sum of twenty-five dollars for each day actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1983 c 168 § 10; 1975-'76 2nd ex.s. c 34 § 48; 1969 ex.s. c 199 § 19; 1965 c 70 § 21.]

Severability—1983 c 168: See RCW 18.120.910.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 18.83.051 Examining board—Compensation and travel expenses. (Effective July 1, 1985.) Each member of the board shall be compensated in accordance with RCW 43.03.240 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. [1984 c 287 § 48; 1983 c 168 § 10; 1975-'76 2nd ex.s. c 34 § 48; 1969 ex.s. c 199 § 19; 1965 c 70 § 21.]

Legislative findings—Severability—Effective date—1984 c 287: See notes following RCW 43.03.220.

Severability—1983 c 168: See RCW 18.120.910.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 18.83.053 Option to adopt uniform disciplinary act. The disciplinary authority, in consultation with professional associations, may elect to adopt by rule the uniform disciplinary act, chapter 18.130 RCW, in lieu of the disciplinary provisions outlined under this chapter. [1984 c 279 § 45.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.060 Application for license—Fee. Each applicant for a license shall file with the director an application duly verified, in such form and setting forth such information as the board shall prescribe. An application fee determined by the director as provided in RCW 43.24.086 shall accompany each application. [1984 c 279 § 79; 1975 1st ex.s. c 30 § 72; 1965 c 70 § 6; 1955 c 305 § 6.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.070 Applicants—Qualifications—Examination. An applicant for a license as "psychologist" must submit proof to the board that:

(1) The applicant is of good moral character.

(2) The applicant holds a doctoral degree from a regionally accredited institution, obtained from an integrated program of graduate study in psychology as defined by rules of the board.

(3) The applicant has had no fewer than two years of supervised experience, at least one of which shall have been obtained subsequent to the granting of the doctoral degree. The board shall adopt rules defining the circumstances under which supervised experience shall qualify the candidate for licensure.

(4) The applicant has passed the written and oral examinations prescribed by the board.

Any person holding a valid license to practice psychology in the state of Washington on June 7, 1984, shall be considered licensed under this chapter. [1984 c 279 § 80; 1965 c 70 § 7; 1955 c 305 § 7.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.072 Examinations—Where held—Applicant-board conference—Reexamination. (1) Examination of applicants shall be held in Olympia, Washington, or at such other place as designated by the director, at least annually at such times as the board may determine.

(2) Any applicant shall have the right to discuss with the board his or her performance on the examination.

(3) Any applicant who fails to make a passing grade on the examination may be allowed to retake the examination. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

(4) The reexamination fee shall be the same as the application fee set forth in RCW 18.83.060. [1984 c 279 § 81; 1971 ex.s. c 266 § 15; 1965 c 70 § 20.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.080 Licenses—Issuance—Display. Upon forwarding to the director by the board of the name of each applicant entitled to a license under this chapter, the director shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist" for a period of one year. Said license shall be in such form as the director shall determine. Each licensed psychologist shall keep his license displayed in a conspicuous place in his principal place of business. [1965 c 70 § 8; 1955 c 305 § 8.]

RCW 18.83.082 Temporary permits. (1) A valid receipt for an initial application for license hereunder, provided the applicant meets the requirements of RCW 18.83.070 (1), (2), and (3), shall constitute a temporary permit to practice psychology until the board completes action on the application. The board must complete action within one year of the date such receipt is issued.

(2) A person, not licensed in this state, who wishes to perform practices under the provisions of this chapter for a period not to exceed ninety days within a calendar

year, must petition the board for a temporary permit to perform such practices. If the person is licensed or certified in another state deemed by the board to have standards equivalent to this chapter, a permit may be issued. No fee shall be charged for such temporary permit. [1984 c 279 § 82; 1975 1st ex.s. c 30 § 73; 1965 c 70 § 23.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.090 Continuing education requirements—License renewal. The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal. Each licensed psychologist shall pay to the health professions account, created in RCW 43.24.072, annually, at such time as determined by the board, an annual license renewal fee determined by the director under RCW 43.24.086. Upon receipt of the fee, the director shall issue a certificate of renewal in such form as the director shall determine. [1984 c 279 § 83; 1977 c 58 § 1; 1975 1st ex.s. c 30 § 74; 1971 ex.s. c 266 § 16; 1965 c 70 § 9; 1955 c 305 § 9.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.100 Licenses—Failure to renew. Failure to renew a license as herein provided shall suspend such license: *Provided*, That a license holder whose license has been suspended for failure to renew may reinstate such license by paying to the state treasurer the renewal fees for all of the years in which such failure occurred, together with a renewal fee for the current year, but not to exceed five years. However, no renewal license shall be issued after one year from the expiration of the last valid license unless the board shall find that the applicant has not violated any provision of this chapter since his license was suspended. [1965 c 70 § 10; 1955 c 305 § 10.]

RCW 18.83.105 Certificates of qualification. The board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution. These certificates of qualification certify that the holder has been examined by the board and is deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions will be specified on the certificate issued by the board. Such applicant shall pay to the board of examiners a fee determined by the director as provided in *RCW 43.24.085 as now or hereafter amended for certification in a single area of qualification and a fee for amendment of the certificate to include each additional area of qualification. Upon petition by a holder the board of examiners may grant authority to function without immediate supervision. [1975 1st ex.s. c 30 § 75; 1965 c 70 § 22.]

*Reviser's note: RCW 43.24.085 was repealed by 1983 c 168 § 13. See RCW 43.24.086 for establishment of fees by the director of licensing.

RCW 18.83.110 Privileged communications. Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client. [1965 c 70 § 11; 1955 c 305 § 11.]

Privileged communications—Physician and patient: RCW 5.60.060.

RCW 18.83.120 Unethical practice defined. Within the meaning of this chapter unethical practice of psychology shall include any act or practice which violates the codes of ethics established by the board. In addition, the following conduct, acts, or conditions constitute the unethical practice of psychology for any licensee or applicant subject to this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this subsection abrogates rights guaranteed under chapter 9.96A RCW.

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof.

(3) Advertising in a manner which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public health, safety, or welfare.

(4) Incompetency or negligence in the practice of psychology which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer.

(5) Practicing psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction.

(6) Violation of any state statute or administrative code specifically governing the practice of psychology.

(7) Failure to cooperate with the committee by:

(a) Not furnishing any papers or documents requested by the committee;

(b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the committee;

(c) Not appearing before the committee at the time and place designated; or

(d) Not properly responding to subpoenas issued by the committee.

(8) Failure to comply with an order issued by the committee or an assurance of discontinuance entered into with the committee.

(9) Aiding or abetting an unlicensed person to practice when a license is required.

(10) Gross, wilful, or continued overcharging for professional services.

(11) Wilful or repeated violations of rules established by any health officer of the state or a political subdivision thereof.

(12) Practice beyond the scope of practice as defined by law.

(13) Misrepresentations or fraud in any aspect of the conduct of the profession.

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's safety is at risk.

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health.

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service.

(17) Conviction of any gross misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.

(18) Physically abusing or having sexual contact with a patient or client.

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the committee.

(20) The wilful betrayal of a professional secret.

(21) Violation of chapter 19.68 RCW. [1984 c 279 § 84; 1965 c 70 § 12; 1955 c 305 § 13.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.130 Denial, suspension, revocation of license. The board shall refuse to grant a license to any applicant and shall revoke or suspend the license of any psychologist, or place other restrictions on that psychologist's practice of psychology, for the following reasons:

(1) Commission of any act involving moral turpitude, as defined by the board by rule, dishonesty, or corruption, which relates directly to a person's fitness to practice psychology, whether that act constitutes a crime or not; and if the act constitutes a crime, conviction thereof in criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of guilt of the psychologist of the crime described in the indictment or information and of the violation of the statute upon which it is based.

(2) Failing to maintain the confidentiality of information under RCW 18.83.110.

(3) Violations of the ethical code developed by the board under RCW 18.83.050 and 18.83.120.

(4) Failing to inform prospective research subjects or their authorized representatives of the possible serious effects of participation in research; and failing to undertake reasonable efforts to remove possible harmful effects of participation.

(5) Practicing in an area of psychology for which the person is clearly untrained or incompetent.

(6) Being negligent in the practice of psychology.

(7) Failing to exercise appropriate supervision over persons who practice under the supervision of a psychologist.

(8) Using fraud or deceit in the procurement of the psychology license, or knowingly assisting another in the procurement of such a license through fraud or deceit.

(9) Engaging in the practice of psychology while the person's ability to perform professional services is significantly impaired by alcohol, drugs, illness, or other dysfunctions.

(10) Engaging in the practice of psychology when the person's psychology license has been suspended or revoked by competent authority in any other state, federal, or foreign jurisdiction when the reason for that suspension or revocation is a violation of this chapter or rules adopted by the board and its disciplinary committee.

(11) Unprofessional conduct as defined in chapter 19.68 RCW.

(12) Wilful violation of RCW 18.83.120 or *section 79 of this 1984 act or wilful disregard of the subpoena or notice of the disciplinary committee.

(13) Failure to abide by the terms of corrective actions directed under **RCW 18.83.150.

(14) Violation of any board rule fixing a standard of professional conduct. [1984 c 279 § 85; 1965 c 70 § 13; 1955 c 305 § 12.]

Reviser's note: *(1) As a result of renumbering sections when Substitute House Bill No. 1178 [1984 c 279] was enrolled, the reference to section 79 [RCW 18.83.060] is apparently erroneous. Section 88, codified as RCW 18.83.145 was apparently intended.

** (2) RCW 18.83.150 was repealed by 1984 c 279 § 93.

Severability—1984 c 279: See RCW 18.130.901.

Violation of chapter 69.50 RCW, the Uniform Controlled Substances Act—Suspension of license: RCW 69.50.413.

RCW 18.83.135 Disciplinary committee—Immunity—Powers and duties. The disciplinary committee shall meet at least once each year or upon the call of the chairperson at such time and place as the chairperson designates. A quorum for transaction of any business shall consist of five members, including at least one public member.

The members of the disciplinary committee shall be immune from suit in any action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the committee.

The committee shall have the following authority:

(1) To order investigation of all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;

(2) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(3) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(4) To compel attendance of witnesses at hearings;

(5) In the course of investigating a complaint of unprofessional conduct, to conduct practice reviews;

(6) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the committee;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings; however, the disciplining authority shall make the final decision regarding disposition of the license;

(8) To use consultants or individual members of the board to assist in the direction of investigations and issuance of statements of charges; however, the member of the board shall not subsequently participate in the hearing of the case;

(9) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(10) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the committee;

(11) To grant or deny license application, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;

(12) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(13) To maintain records of all activities, and to publish and distribute to all psychologists at least once each year abstracts of significant activities of the committee;

(14) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged;

(15) To report, when appropriate, statements of complaints and disposition of cases processed by the committee to:

(a) The person or agency initiating the action;

(b) Appropriate national and state organizations which represent the profession of psychology, including counterpart licensing boards in other states; and

(c) The public.

This subsection does not require the reporting of any information which is exempt from public disclosure pursuant to chapter 42.17 RCW or is otherwise privileged or confidential.

The committee has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.04 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [1984 c 279 § 86.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.145 Disciplinary committee—Action after hearing. The disciplinary committee may take any of the following actions as a result of investigation of a complaint and the ensuing hearing:

- (1) Revocation of the license.
- (2) Suspension of the license for a fixed term.
- (3) Restriction or limitation upon the licensee's practice.
- (4) Establishment of a requirement that a licensee complete a specified program of continuing education or reeducation.
- (5) Monitoring of the licensee's practice by a licensed psychologist or other person or organization appointed by the committee.
- (6) Censure or reprimand.
- (7) Compliance with conditions of probation for a designated period of time.
- (8) Any combination of the foregoing, which may be partly or totally stayed.
- (9) Dismissal of the complaint and exoneration of the licensee.
- (10) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation. Funds received shall be placed in the health professions account.
- (11) Denial of the license request.
- (12) Corrective action by the license holder.
- (13) Refund of fees charged to the consumer by the license holder. [1984 c 279 § 88.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.155 Disciplinary committee—Notice of action. The committee shall report to appropriate national and state organizations which represent the profession of psychology any action taken pursuant to an investigation or hearing that finds a licensee has committed unprofessional or unethical conduct.

In the event of an order for revocation or suspension of a psychology license, or for restriction or limitation of a licensee's practice, the committee shall report such action to the public. This public notification shall be suspended for thirty days from date of filing of any appeal.

If the committee finds that a complaint against a licensee is not substantiated, or if there is no finding of unprofessional or unethical conduct, resulting in dismissal of the complaint and exoneration of the licensee, the committee shall attempt to relieve the licensee of any possible odium that may attach by reason of the complaint by such public exoneration as is necessary. [1984 c 279 § 89.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.161 Costs of enforcing disciplinary actions. Any portion or all of the costs associated with providing a psychologist or other person or organization for monitoring the conditions of probation or of the licensee's compliance with the terms of the committee's decision and order may be assessed by the committee against the licensee, in which event payment of such costs and expenses shall become a legal obligation of the licensee to the department of licensing. [1984 c 279 § 90.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.165 Appeal. Orders of the board may be appealed as provided in chapter 34.04 RCW. An order, if appealed, shall not be stayed pending the appeal unless the committee or the court to which the appeal is taken enters an order staying the order of the committee, which stay shall provide terms necessary to protect the public. [1984 c 279 § 91.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.170 Reciprocity. Upon application accompanied by a fee determined by the director as provided in RCW 43.24.086, the board may grant a license, without written examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that the applicant:

- (1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and
- (2) Is licensed or certified to practice psychology in another state or country in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or
- (3) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology. [1984 c 279 § 92; 1975 1st ex.s. c 30 § 76; 1965 c 70 § 17; 1955 c 305 § 17.]

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.180 Penalties. It shall be a misdemeanor for any person to:

- (1) Use in connection with his or her name any designation tending to imply that he or she is a licensed psychologist unless duly licensed under or specifically excluded from the provisions of this chapter;
- (2) Practice as a licensed psychologist during the time his or her license issued under the provisions of this chapter is suspended or revoked. [1965 c 70 § 18; 1955 c 305 § 18.]

RCW 18.83.190 Injunction. If any person represents himself to be a psychologist, unless exempted from the provisions of this chapter without possessing a valid license, certificated qualification, or a temporary permit to do so, or if he violates any of the provisions of this chapter any prosecuting attorney, the director, or any

citizen of the same county may maintain an action in the name of the state to enjoin such person from representing himself as a psychologist. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his license. [1965 c 70 § 24]

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RCW 18.83.200 Exemptions. This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology but only insofar as such activities are performed as a part of or are dependent upon a position in a college or university in the state of Washington.

(2) Any person who holds a valid school psychologist credential from the Washington state board of education but only when such a person is practicing psychology in the course of his employment.

(3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under federal or state certification or civil service regulations; but only at those times when that person is carrying out the functions of his employment.

(4) Any person who must qualify under the employment requirements of a business or industry and who is employed by a business or industry which is not engaged in offering psychological services to the public, but only when such person is carrying out the functions of his employment: *Provided*, That no person exempt from licensing under this subsection shall engage in the clinical practice of psychology.

(5) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facilities and who is designated by the title such as "psychological trainee," "psychology student," which thereby indicates his training status.

(6) Any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board. [1965 c 70 § 19.]

RCW 18.83.210 Certain counseling or guidance not prohibited. Nothing in this chapter shall be construed as prohibiting any individual from offering counseling or guidance provided that such individuals do not hold themselves forth as psychologists. [1965 c 70 § 25.]

RCW 18.83.900 Severability—1965 c 70. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected. [1965 c 70 § 26.]

Chapter 308-122 WAC
RULES AND REGULATIONS PERTAINING TO
PSYCHOLOGISTS

WAC

- 308-122-200 Psychologists--Education prerequisite to licensing.
- 308-122-210 Psychologists--Experience prerequisite to licensing.
- 308-122-220 Psychologists--Written examination.
- 308-122-225 Psychology examination--Application submittal date.
- 308-122-230 Psychologists--Oral examination.
- 308-122-350 Psychologists--Renewal of licenses.
- 308-122-360 Psychologists--Certificates of qualification.
- 308-122-370 Psychologists--Title.
- 308-122-380 Psychologists--Educational requirements
- 308-122-390 Psychologists--Experience and training requirements.
- 308-122-400 Psychologists--Psychological functions.
- 308-122-410 Psychologists--Written examination.
- 308-122-420 Psychologists--Oral examination.
- 308-122-430 Psychologists--Procedure for additional areas of function.
- 308-122-440 Psychologists--Continued supervision of persons receiving certificates of qualification.
- 308-122-450 Psychologists--Representations to clients.
- 308-122-460 Fees.
- 308-122-500 Continuing education--Purpose and scope.
- 308-122-505 Continuing education--General requirements.
- 308-122-510 Continuing education--Categories of creditable activities.
- 308-122-515 Continuing education requirements.
- 308-122-520 Definition of categories of creditable CPE.
- 308-122-525 Continuing education--Special considerations.
- 308-122-530 Continuing education--Enforcement.
- 308-122-535 Continuing education--Exemptions.
- 308-122-540 Continuing education--Program or course approval.
- 308-122-545 Continuing education--Certification of compliance.

DISPOSITION OF SECTIONS
FORMERLY CODIFIED IN THIS CHAPTER

- 308-122-300 Psychologists--License renewal fee. [Order PL 163, § 308-122-300, filed 3/18/74.] Repealed by Order PL 277, filed 11/5/75. Later promulgation, see WAC 308-122-460.

WAC 308-122-200 PSYCHOLOGISTS-EDUCATION PREREQUISITE TO LICENSING. (1) To meet the education requirement imposed by the statute, an applicant must possess a doctoral degree from a training institution approved by the board in which at least forty semester hours, or sixty quarter-hours, of graduate courses were passed successfully, and were clearly

identified by title and course content as being primarily psychological in nature, as determined by the board. Part of the standards for issuance of said degree [must] [should] require the submission of an original dissertation which must be psychological in nature, as determined by the board.

(2) The following guidelines define the "academic core" of study that should have been completed by each applicant:

(a) Programs accredited by the American Psychological Association are recognized as one way of meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional training.

(b) Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

(c) The program must be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures must show intent to educate and train professional psychologists.

(d) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(e) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(f) There must be an organized sequence of study planned by those responsible for the training program to provide an appropriate, integrated, experience applicable to the professional practice of psychology.

(g) There must be an identifiable psychology faculty and a psychologist responsible for the program.

(h) There must be an identifiable body of students, selected on the basis of high ability and appropriate educational preparation.

(i) Programs must include practicum, internship, field or laboratory experience appropriate to the practice of psychology.

(j) The curriculum should encompass a minimum (or equivalent) of three academic years of full-time graduate study. The doctoral program should involve at least one continuous year of full-time residency at the University at which the degree is granted. Instruction should include scientific and professional ethics and standards, history and systems: Research design and methodology; statistics and psychometrics. The core program should also require each student to obtain an academic background of the following content area (typically six or more semester hours):

(i) Biological Bases of Behavior: e.g., physiological, psychology, comparative, neuropsychology, sensation and perception, psychopharmacology.

(ii) Cognitive-Affective Bases of Behavior: e.g., learning, thinking, motivation, emotions.

(iii) Social Bases of Behavior: e.g., social, psychology, group processes, organizational and systems theory.

(iv) Individual Differences: e.g., personality theory, human development, abnormal psychology.

(3) If the major emphasis is in an applied area such as clinical, counseling, school or other pertinent areas, the program

must include a set of coordinated practicum and internship experiences which total at least two semesters in the practicum setting, and additionally a "one-year internship". A minimum of 300 hours of practicum, including 100 hours of scheduled individual supervision, should precede the internship.

(4) The psychological services offered in the internship program in "Standards for Providers of Psychological Services" published by the American Psychological Association may be used as a framework for the internship program. The Board also recognizes other quality internship programs. [Statutory Authority: Chapters 18.83 and 34.04 RCW. 78-12-046 (Order P.L. 293), § 308-122-200, filed 11/27/78; Order PL-245, § 308-122-200, filed 4/15/76.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-122-210 PSYCHOLOGISTS-EXPERIENCE PREREQUISITE TO LICENSING. (1) The law requires that the applicant have at least one year experience practicing psychology under qualified supervision after receipt of a doctoral degree. In view of APA standards of ethical practice that a psychologist should not practice beyond the area of his or her competence, such supervision must be appropriate to the area of professional activity in which the candidate intends to function. Consequently, applicants should obtain appropriate training, experience and supervision in areas of professional functioning.

(2) To be considered qualifying experience, the applicant must have worked under the direct supervision of a licensed psychologist or other professional deemed appropriate by the board. The board considers supervision to include an ongoing awareness of all aspects of the activities of the person being supervised within the operative setting. There should be a minimum of one hour of individual supervision for every twenty hours of practice. The amount and intensity of supervision should be appropriate to the applicant's level of training and experience. The majority of supervised hours should be in the area(s) of intended psychological work. For example:

(a) In the clinical and counseling areas, supervision should include;

- (i) Selection of cases
- (ii) Assessment
- (iii) Treatment plan
- (iv) Ongoing treatment
- (v) Termination.

(b) With respect to teaching, supervision should include;

- (i) Discussion of course outline(s)
- (ii) Discussion of teaching and evaluation methods
- (iii) Direct observation and/or review of taped class lectures and discussions.

(c) Regarding school psychology, supervision should include;

(i) Application of appropriate rules and regulations as promulgated by the office of the Superintendent of Public Instruction.

(ii) Assessment procedures

(iii) Psychological reporting

(iv) Consultation

(v) Follow through

(3) The following is a non-exclusive list of examples of activities which the board ordinarily will not consider as meeting the experience requirement of the statute:

(a) Functioning as an autonomous provider of psychological services[;] [.]

(b) Independent individual or group private practice.

[(4)] A year of experience is considered to consist of a minimum of 1500 supervised clock hours. Postdoctoral experience may commence as soon as all requirements for the doctoral degree have been completed. [Statutory Authority: Chapters 18.83 and 34.04 RCW. 78-12-046 (Order P.L. 293), § 308-122-210, filed 11/27/78; Order PL-245, § 308-122-210, filed 4/15/76.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-122-220 PSYCHOLOGISTS-WRITTEN EXAMINATION.

Written examination requirements: The written examination that is used in the state of Washington is the examination of Professional Practice of Psychology. The examination consists of objective multiple choice questions covering the major areas of psychology. Each form of the examination contains between 150 and 200 items in the areas listed below:

(1) Background information, including physiological psychology and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and psychopharmacology.

(2) Methodology including research design and interpretation, statistics, test construction and interpretation, scaling.

(3) Clinical psychology including test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community mental health.

(4) Behavior modification including learning and applications.

(5) Other specialties including management consulting, industrial and human engineering, social psychology, t-groups, counseling and guidance, communication systems analysis.

(6) Professional conduct and ethics including interdisciplinary relations and knowledge of professional affairs.

The cutoff score which the Washington state board of examiners uses is 75% of the raw score, or the national mean of all first time doctorates, whichever is the lowest. [Statutory Authority: RCW 18.83.050. 80-07-010 (Order PL 346), § 308-122-220, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-220, filed 7/9/79; Order PL-245, § 308-122-220, filed 4/15/76.]

WAC 308-122-225 PSYCHOLOGY EXAMINATION-APPLICATION SUBMITTAL DATE. To be eligible to take any particular written examination, an applicant for licensure must file his or her application with the department of licensing not less than sixty days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in April and October of each year. [Statutory Authority: RCW 18.83.030, 18.83.050 and 18.83.060. 79-08-008 (Order PL-308), § 308-122-225, filed 7/9/79.]

WAC 308-122-230 PSYCHOLOGISTS-ORAL EXAMINATION. Oral examination: The oral exam covers the same core issues for all candidates ranging through four major foci:

- (1) Professional judgment in areas of stated competence;
- (2) Knowledge of state laws pertaining to psychologist and psychological ethics;

- (3) Knowledge and skills in area of stated competence. The candidate must be able to articulate and relate conceptual rationale and methodological interventions;

- (4) Adequacy of candidate's professional training, supervision and experience. [Statutory Authority: RCW 18.83.050. 79-08-009 (Order PL-309), § 308-122-230, filed 7/9/79; Order PL-245, § 308-122-230, filed 4/15/76.]

WAC 308-122-275 FEES The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fees</u>	<u>Fee</u>
Application--Written exam	\$ 70.00
Application--Oral exam	60.00
Retake written	70.00
Retake oral	60.00
Initial license or renewal	30.00
Duplicate license	5.00
Certificate of qualification	30.00
Verification	15.00
Late renewal penalty	30.00

WAC 308-122-350 PSYCHOLOGISTS--RENEWAL OF LICENSES. (1) The annual license renewal date for psychologists

is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date. [Order PL 227, § 308-122-350, filed 11/5/75; Order PL 177, § 308-122-350, filed 10/15/74.]

WAC 308-122-360 PSYCHOLOGISTS--CERTIFICATES OF QUALIFICATION. Procedures by which the Washington state board of psychologist examiners approves certificates of qualification are primarily based upon RCW 18.83.105 that states: "the board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of doctor of philosophy or its equivalent in psychology from an accredited educational institution." Procedures and rules established by the board are as follows. [Order PL 202, § 308-122-360, filed 10/1/75.]

WAC 308-122-370 PSYCHOLOGISTS--TITLE. Applicants receiving the certificates of qualification shall hold the title of "psychological assistant," unless the board approves the applicant's petition to work without immediate supervision in which case the applicant shall hold the title of "psychological affiliate." [Order PL 202, § 308-122-370, filed 10/1/75.]

WAC 308-122-380 PSYCHOLOGISTS--EDUCATIONAL REQUIREMENTS. The applicant shall have received at least a master's degree in psychology or a degree considered equivalent by the board. The applicant must have completed an adequate major in psychology from a regular graduate program of an accredited institution, as evaluated by the board. [Order PL 202, § 308-122-380, filed 10/1/75.]

WAC 308-122-390 PSYCHOLOGISTS--EXPERIENCE AND TRAINING REQUIREMENTS. The applicant shall have completed at least three years of full time experience or its equivalent satisfactory to the board. All of the supervisors of the experience time shall be listed on the application form as references. The applicant shall have completed a minimum of one year's experience practicing psychology under qualified and appropriate supervision, after receiving the graduate degree. It is the candidate's responsibility to describe the way in which he or she meets these supervision requirements. Ordinarily, this description will delineate the nature and objectives of his supervision, the ways in which the activities supervised met these objectives, and the specifics of time, place, frequency, and type of contact (e.g. observation, audio-tapes, video-tapes, co-counseling).

While the board does not prescribe exact supervision requirements, it does subscribe to certain principles and

guidelines regarding effective supervision. Effective supervision is viewed as that which is planned and systematic, psychological in nature, intensive in depth of analysis; and involving direct or taped observation and critique on a regular basis. [Order PL 202, § 308-122-390, filed 10/1/75.]

WAC 308-122-400 PSYCHOLOGISTS--PSYCHOLOGICAL FUNCTIONS. Applicants for certificates of qualification shall receive the certificates in specific areas of competence. Certificates shall indicate the general title "psychological assistant" or "psychological affiliate" along with a specific function. The specific functions may include:

(1) Intellectual and/or personality assessment. (e.g. psychometrist or neuropsychological technician.)

(2) Educational-vocational counseling. (e.g. educational counselor, high school or college counselor, vocational counselor or rehabilitation counselor.)

(3) Mental health counseling. (e.g. alcohol and drug counselor, behavior modification counselor, or group counseling co-leader.)

(4) Educational development and learning. (e.g. counseling and evaluation of education related problems.)

(5) Research.

(6) Industrial/organizational development. (e.g. personnel technician, group process co-leader, organizational development staff member.) Specific functions other than those listed above may be suggested by applicants and subsequently determined and approved by the board. [Order PL 202, § 308-122-400, filed 10/1/75.]

WAC 308-122-410 PSYCHOLOGISTS--WRITTEN EXAMINATION. The applicant must satisfactorily pass the written examination developed by the professional testing service of the American Association of State Psychology Boards. The cutting score for the written examination shall be 75% of the raw score. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year.

[Statutory Authority: RCW 18.83.050. 80-07-010 (Order PL 346), § 308-122-410, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-410, filed 7/9/79; Order PL 202, § 308-122-410, filed 10/1/75.]

WAC 308-122-420 PSYCHOLOGISTS--ORAL EXAMINATION. Each oral examination conducted by the board shall include questioning in the following areas:

(1) Professional judgment in the applicant's specialty areas; and

(2) Knowledge of current laws regulating the practice of psychology; and

(3) Knowledge and awareness of ethical issues and problems in the applicant's specialty areas and for psychologists in general; and

(4) Knowledge and skills in areas in which the applicant considers himself/herself competent to offer psychological services; and

(5) Applicant's past supervision and career plans; and

(6) Applicant's plans for professional development and continued supervision. In the event that an applicant fails in the initial oral examination he or she may be rescheduled for another oral examination before the board. [Order PL 202, § 308-122-420, filed 10/1/75.]

WAC 308-122-430 PSYCHOLOGISTS--PROCEDURE FOR ADDITIONAL AREAS OF FUNCTION. A person receiving a certificate of qualification may apply for certification in an additional area of function by updating his/her application form and references, submitting the required fee and by taking an oral examination in the new area following the procedures outlined above. [Order PL 202, § 308-122-430, filed 10/1/75.]

WAC 308-122-440 PSYCHOLOGISTS--CONTINUED SUPERVISION OF PERSONS RECEIVING CERTIFICATES OF QUALIFICATION. (1) The law states that the holder of a certificate of qualification must perform psychological functions "under the periodic direct supervision of a psychologist licensed by the board." The board's interpretation of this statement is that the psychological assistant is certified in tandem with a licensed psychologist and not in his or her own right. That is, the board will evaluate simultaneously the professional capabilities of the applicant and the qualifications of the licensed psychologist to supervise the assistant in the specific professional functions outlined by the assistant. The board's approval of an association between a psychological assistant and a licensed psychologist is done purely on an examination of the professional qualifications of the two parties concerned and on the execution of an agreement between the two of them as proposed supervisor and supervisee. The board in no way involves itself with the specific work conditions, fees, salaries, and related factors except insofar as they have a bearing on the quality of the professional relationship or services offered to the public.

(2) The applicant must indicate on the application form, in detail, his or her areas of intended practice. After initial screening (evaluation of the person's education, experience and supervision) and passing the national written examination, the applicant shall furnish the board with a plan for continued supervision which will include detailed information regarding the supervisor which indicates an agreement to supervise. The board will use this information in conjunction with the oral examination to assess the supervision plans.

(3) Minimum supervision shall entail discussion of the assistant's work through regularly scheduled contacts with the supervisor at appropriate intervals. Whenever possible, supervision should consist of occasional direct observation or review of taped case material. The supervisor shall be responsible for preparing evaluative reports of the assistant's performance, which will be

forwarded to the division of professional licensing on a periodic basis.

(4) When a licensed psychologist assumes the responsibility of supervision, he or she shares the professional and ethical responsibility for the nature and quality of all of the psychological services as the assistant may provide. Failure to provide supervision when such a relationship is claimed may result in appropriate action against the license of the supervisor.

(5) Interruption or termination of a supervisory relationship shall be promptly communicated to the division of professional licensing.

(6) In every case where psychological testing is done and a report is written based on that testing by a psychological assistant, the supervising licensed psychologist will countersign the report indicating his approval.

(7) An applicant or holder of a certificate may apply to the board for authority to work without immediate supervision in particular areas of function. In these cases the board may require further evidence of proficiency. Even though the immediate supervision requirement is waived for the psychological affiliate, periodic supervisory consultation as deemed appropriate by the board is required. Evidence of supervisory consultation must be submitted to the division of professional licensing with the annual license fee. [Order PL 202, § 308-122-440, filed 10/1/75.]

WAC 308-122-450 PSYCHOLOGISTS--REPRESENTATIONS TO CLIENTS. (1) Each client of the psychological assistant or psychological affiliate must be informed of the nature of the assistant's or affiliate's professional status, the function in which he or she is certified, and the fact that said assistant is under the supervision of a licensed psychologist.

(2) Only psychological affiliates may advertise their services (e.g. representations of themselves in telephone directories and announcements and on business cards). In doing so, the affiliate must list the functions for which he or she is certified and state his or her academic degree. [Order PL 202, § 308-122-450, filed 10/1/75.]

WAC 308-122-500 CONTINUING EDUCATION--PURPOSE AND SCOPE. The ultimate aim of Continuing Education is to ensure the highest quality of professional work. Continuing psychology education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in psychology as applied to the work settings. The objectives are to improve and increase the ability of the psychologist to deliver the highest possible quality of psychological work and to keep the professional psychologist abreast of current developments in a rapidly changing field. All psychologists, licensed pursuant to Chapter 18.83 RCW, will be required to meet the continuing education requirements set forth in these rules as a prerequisite to license renewal. [Order PL 276, § 308-122-500, filed 11/16/77.]

WAC 308-122-505 CONTINUING EDUCATION--GENERAL REQUIREMENTS. The Washington State Board of Psychology Examiners (hereafter referred to as the Board) requires one hundred fifty (150) credit hours of Continuing Psychological Education (hereafter referred to as CPE) every three (3) years. One clock hour of acceptable CPE activity equals one credit hour. Currently licensed Psychologists will be divided into three (3) groups, by birthdate, for ease in implementing CPE. Group I, those with birthdates falling in the months of January, February, March or April, will have 1 year to show evidence of 50 hours, group II, those with birthdates falling in the months of May, June, July or August, will have 2 years to show evidence of 100 hours, and group III, those with birthdates falling in the months of September, October, November or December, will have 3 years to show evidence of 150 hours. Groups 1 and 2 may distribute their hours in any of the categories without minimum or maximum category limitations. After implementation phase, all licensees will be on the 3 year cycle. All new psychologists licensed after the effective date will have 3 years to show evidence of 150 hours. [Order PL 276, § 308-122-505, filed 11/16/77.]

WAC 308-122-510 CONTINUING EDUCATION--CATEGORIES OF CREDITABLE ACTIVITIES. The following are categories of creditable CPE activities approved by the Board:

- (1) Category I - Educational Activities.
 - (2) Category II - Educational Activities.
 - (3) Category III - Teaching, supervision, and training of psychologists, psychology students or allied services.
 - (4) Category IV - Books, papers, publications, and exhibits.
 - (5) Category V - Self-programmed, non-supervised and creative activities, i.e., self-instruction, specialty board examination preparation or other meritorious learning experiences.
- [Order PL 276, § 308-122-510, filed 11/16/77.]

WAC 308-122-515 CONTINUING EDUCATION REQUIREMENTS. (1) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour CPE requirement.

(2) A minimum of 30 hours must be earned in Category I and it is further required that a minimum of 25 credit hours be earned in each of 2 other categories.

(3) A maximum of ninety credit hours may be earned in Category I. A maximum of seventy-five credit hours may be earned in Category II. A maximum of forty-five credit hours may be earned in each of Categories III, IV, and V.

(4) The maximum credit hours allowed in each Category and the minimum number of three categories required in the above have as their purpose encouraging a reasonably broad and rounded scope of CPE, while at the same time enabling specialized areas of interest to be pursued more extensively than other areas.

(5) Any reported credit hours that are in excess of the requirements set forth, will not serve to credit or off-set the required CPE requirements for any succeeding three (3) year cycle.

(6) Professionals offering CPE courses must meet the training and the full qualifications of their respective professions. For example; a Psychologist should either be licensed or have a core of basic psychological courses, in residency, culminated in a Ph.D. or equivalent degree; a psychiatrist should have an MD, appropriate psychiatric residency; a social worker should have appropriate educational qualifications and be eligible for membership in ACSW. All professionals shall have demonstrated an expertise in the areas in which they are instructing.

(7) Audited courses are acceptable if evidence of completion is reported on a transcript or a validating letter from the instructor is available at the time of CPE review. [Order PL 276, § 308-122-515, filed 11/16/77.]

WAC 308-122-520 DEFINITION OF CATEGORIES OF CREDITABLE CPE. (1) Category I -- Educational Activities. A maximum of ninety credit hours may be earned in this category, a minimum of 30 hours must be earned. Recognized as appropriate under this category are:

(a) Courses, seminars, workshops and post-doctoral institutes offered by Educational Institutions chartered by a State and recognized (accredited) by a regional association of school, colleges and universities and which offer graduate level courses. Attendance shall be in the home state in which the institution is accredited/chartered. Exceptions may be made for courses offered by educational institutions chartered/ accredited in contiguous states or provinces to Washington.

(b) Courses (including correspondence courses), seminars, workshops and post-doctoral institutes sponsored by the National Academy of Professional Psychologists, the American Psychological Association, regional psychological associations, the Washington State Psychological Association and its divisions, and other states' psychological associations which have CPE programs or requirements, agencies with American Psychological Association approved internship programs and other nationally recognized behavioral science organizations, e.g., courses, workshops etc. offered by NASW, NTL, APGA and AGPA. Simple attendance at professional Association Conventions or meetings is not creditable under Category I (See Category V). NOTE: All activities in this and all other categories, must be directly relevant to maintaining or increasing professional competence in Psychology.

(2) Category II -- Educational Activities. A maximum of seventy-five credit hours may be earned in this category. Creditable CPE activities include:

(a) Courses (including correspondence courses), practica, seminars, experiential or didactic workshops offered by institutions or organizations not meeting requirements of Category I.

(b) Obtaining consultative training from a licensed professional or institute (other than that which is required in ones employment).

(c) Organized forms of CPE which include in-service & in-house seminars, lectures, professional journal and book study groups, as well as privately organized regularly scheduled seminars.

(3) Category III -- Teaching, Supervision, and Training of Psychologists, Psychology Students or allied services. A maximum of 45 credit hours may be earned in this category. Creditable CPE activities include instruction and/or supervision of psychologists, psychology students, institutional staff, or other professionals or students from an institution with a formal teaching or training program, if the institution has approved the instruction and/or supervision.

(a) CPE credit for a specific course taught can be given one time only (usually the first time it is taught, unless there is substantial revision). The number of hours credited is based on the number of class contact hours, up to a maximum of 30 hours.

(b) CPE credit for supervision may be earned, up to a maximum of 30 hours.

(4) Category IV -- Books, Papers, Publications, and Exhibits. A maximum of 45 credit hours may be earned in this category with specific credit hour allowances listed as follows: Credit may be earned only during the three year period in which the presentation or publication was made or published.

(a) Twenty-five credit hours may be claimed for each publication and for each chapter of a book that is authored and published. Publications must be in a scientific or professional psychological, or allied field journal. Editing is not acceptable for credit in any category.

(b) Ten credit hours may be claimed for each scientific or professional paper or program presentation given at a meeting and for each exhibit shown. All must be presented at a meeting of psychological or allied professional disciplines and must be of scientific or professional nature. Credit may be claimed only once for presentation of the same materials or program and should be claimed as of the date of presentation or publication. Presentations to lay audiences are not credited under this or any other CPE category.

(5) Category V -- Self-programmed, Non-Supervised and Creative Activities. A maximum of 45 Credit hours may be earned in this category. Credit may be earned only for activities pursued during the three year period prior to the date of current relicensure application. All activities in this category must be primarily psychological in nature and closely related to maintaining and increasing psychological competence. Activities which increase personal scope such as golfing, sailing, pottery, cooking, etc., are not acceptable for CPE credit in this, or in any other category. Personal therapy is also not acceptable.

Examples of acceptable category V activities include:

(a) Self-instruction -- Credit hours may be earned for reading of scientific, professional and clinical journals, books and professional/scientific tapes.

(b) Attendance at or participation in professional meetings or conventions of national, regional or state psychological associations or other behavioral science conventions - A maximum of 5 CPE credit hours can be earned for attendance at each convention or meeting, up to a maximum total of 15 hours in any one year and 45 hours in 3 years. [Order PL 276 § 308-122-520, filed 11/16/77.]

WAC 308-122-525 CONTINUING EDUCATION--SPECIAL CONSIDERATIONS. In lieu (total or partial) of one hundred fifty (150) hours of CPE the Board may consider credit hour approval and acceptance of other programs as they are developed and implemented, such as:

(1) Compliance with a CPE program developed by the American Psychological Association which provides either a recognition award or certificate, may be evaluated and considered for partial or total fulfillment of the CPE credit hour requirements of the Board.

(2) Psychologists licensed in the State of Washington but practicing in a different state or country which has a mandatory or voluntary CPE program may submit to the Board evidence of completion of that other state's or country's CPE requirements for evaluation and partial or total credit hour approval.

(3) Psychologists licensed in the State of Washington but practicing in a state, U. S. Territory or foreign country without CPE requirements, or who are not legally required to meet those CPE requirements, may submit evidence of their CPE activities pursued outside of Washington State directly to the Board for evaluation and approval based on conformity to the Board's CPE requirements.

(4) The Board may also accept evidence of Diplomate award by the American Board of Examiners in Professional Psychology (ABPP) in lieu of one hundred fifty hours of CPE for that three year period in which the Diplomate was awarded.

(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established. [Order PL 276, § 308-122-525, filed 11/16/77.]

WAC 308-122-530 CONTINUING EDUCATION--ENFORCEMENT. Failure to meet above CPE requirements within each three year time period will result in nonrenewal of license. The licensee may petition the Board for a hearing. License renewal will be based on decision of the Board. [Order PL 276, § 308-122-530, filed 11/16/77.]

WAC 308-122-535 CONTINUING EDUCATION--EXEMPTIONS. In the event a licensee fails to meet requirements because of illness or retirement (with no further provision of psychological services to consumers) or failure to renew, or other extenuating

circumstances, each case will be considered by the Board on an individual basis. When circumstances justify it, the Board may grant a time extension. In the case of permanent retirement or illness, the Board may grant indefinite waiver of CPE as a requirement for relicensure, provided an affidavit is received indicating the psychologist is not providing psychological services to consumers. If such permanent illness or retirement status is changed (reversed) or consumer psychological services are resumed, it is incumbent upon the licensed psychologist to immediately notify the Board and meet CPE requirements for relicensure. CPE credit hours will be prorated for the portion of that three year period involving resumption of such services. [Order PL 276, § 308-122-535, filed 11/16/77.]

WAC 308-122-540 CONTINUING EDUCATION--PROGRAM OR COURSE APPROVAL. (1) The Board will accept any CPE that reasonably falls within the above categories and requirements. The Board relies upon each individual psychologist's integrity with the intent and spirit of the CPE requirements.

(2) CPE program sponsors or institutes should not apply for, nor expect to receive, prior or current Board approval for Category I status, except as required by WAC 308-122-515 and WAC 308-122-520. The CPE category in which credit hours may be claimed will be determined by the definition as shown in WAC 308-122-520.

(3) The number of creditable hours may be determined by counting the actual contact hours of instruction or, in the case of workshops, the formal hours of the workshop.

NOTE: The Board relies upon the integrity of program sponsors to present CPE that constitutes a professional and/or scientific learning experience of quality and pertinent to psychology. [Order PL 276, § 308-122-540, filed 11/16/77.]

WAC 308-122-545 CONTINUING EDUCATION--CERTIFICATION OF COMPLIANCE. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hours of CPE requirement on a form supplied by the Board.

(2) The Board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate compliance with the one hundred fifty hours CPE requirement. Therefore, it is the responsibility of each licensee to maintain records, certificates, or the other evidence of CPE compliance. [Order PL 276, § 308-122-545, filed 11/16/77.]

*Illinois - please see page 7 of this
Act and page 1 of the rules*

STATE OF ILLINOIS

DEPARTMENT OF REGISTRATION AND EDUCATION

THE PSYCHOLOGIST REGISTRATION ACT

Revised 1983

Printed in 1985 by Authority of the State of Illinois

STATE OF ILLINOIS

The PSYCHOLOGIST REGISTRATION ACT

ILL.REV.STAT. 1983
Ch. 111, Pars. 5301 - 5329, Inclusive
(Current through Public Act 83-878)

DEPARTMENT OF REGISTRATION AND EDUCATION

Springfield

NOTE: This copy of The Psychologist Registration Act is furnished to you for your convenience. This is not an official copy. If there are any inconsistencies between this version and the current law, the official law, as published by the Secretary of State in the "Laws of Illinois", controls.

(Printed by the Authority of the State of Illinois)

1985

THE PSYCHOLOGIST REGISTRATION ACT
Effective August 15, 1963, as amended

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THE PSYCHOLOGIST REGISTRATION ACT

(The numbers appearing below in parentheses preceding the Section numbers are references to paragraphs of Chapter 111 of the 1983 Illinois Revised Statutes. The descriptive heading that begins each Section is supplied solely for your convenience in identifying the subject matter of the Section -- it is not a part of the law and it has no legal effect.)

AN ACT in relation to the registration and regulation of Psychologists, to provide penalties and remedies for the violation thereof and to make an appropriation in connection therewith. Laws 1963, p. 2912, approved and effective August 15, 1963.

(5301) Citation of Act.) Section 1. This Act shall be known and may be cited as the "Psychologist Registration Act."

(5302) Definitions.) Section 2. As used in this Act:

(1) "Department" means the Department of Registration and Education.

(2) "Director" means the Director of the Department of Registration and Education.

(3) "Committee" means the Psychologists Examining Committee appointed by the Director.

(4) "Certificate" means a certificate of registration as a psychologist issued by the Department of Registration and Education.

(5) A person represents himself to be a "psychologist" within the meaning of this Act when he holds himself out to the public by any title or description of services incorporating the words "psychological," "psychologic," "psychologist," or "psychology," and under such title or description offers to render or renders services to individuals, corporations or the public for remuneration.

(6) "Psychological services" refers to any services if the words "psychological," "psychologic," or "psychology" are used to describe such services by the person or organization offering to render or rendering them.

(7) Unless the context indicates otherwise, person includes an association, partnership or corporation.

(5303) Use of title or rendition of services without certificate of registration--Prohibition.) Section 3. No person shall, without a valid, existing certificate of registration as psychologist issued by the Department:

(a) attach the title "psychologist" to his name and under such title render or offer to render services to individuals, corporations, or the public for remuneration or fee; or

(b) render or offer to render to individuals, corporations or the public, services if the words "psychological," "psychologic," "psychologist," or "psychology" are used to describe such services by the person or organization offering to render or rendering them.

No association, partnership or corporation shall include as part of its title the words "psychology," "psychologist," "psychological," or "psychologic," nor shall any such organization represent itself as offering psychological services without a valid existing certificate of registration issued by the Department under this Act.

No association or partnership shall be granted a certificate of registration unless every member of the association and every partner and every employee of the association or partnership who practices psychology or renders psychological services holds a valid existing certificate of registration issued by the Department under this Act. No corporation shall be issued a certificate of registration unless it is organized under the provisions of "The Professional Service Corporation Act", approved September 15, 1969, as now or hereafter amended.

Corporations, partnerships and associations may employ practicum students, interns or post-doctoral candidates seeking to fulfill educational or professional requirements in order to qualify for a certificate of registration, to assist in the rendering of services, provided that such employees function under the direct supervision, order, control and full professional responsibility of a registered psychologist in the corporation, partnership or association. Nothing in this paragraph shall prohibit a corporation, partnership or association from contracting with a licensed health care professional to provide services.

Effective September 1, 1984, all associations, partnerships and corporations holding valid certificates of registration on the effective date of this amendatory Act shall be required to comply with the provisions of this Section.

Amended by P.A. 83-878, eff. September 26, 1983.

(5304) Practice of psychology defined.) Section 4. The practice of psychology is defined as the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of behavior adjustment, evaluation of persons, and group relations, by persons trained in psychology. The application of said principles includes, but is not restricted to, counseling and the use of psychological remedial measures with persons or

groups having adjustment or emotional problems in the areas of work, family, school and personal relationships; measuring and testing of personality, intelligence, aptitudes, public opinion, attitudes, and skills; and the teaching of such subject matter, and the conducting of research on problems relating to human behavior.

Nothing contained in this Act shall in any way restrict any person from carrying on any of the aforesaid activities or from the free expression or exchange of ideas concerning the practice of psychology, the application of its principles, the teaching of such subject matter and the conducting of research on problems relating to human behavior if such person does not represent himself or his services in any manner prohibited by this Act.

(5305) Exemptions.) Section 5. (a) Nothing in this Act shall be construed to limit the activities and use of official title on the part of a person in the employ of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a not for profit corporation primarily engaged in research, insofar that such activities or services are a part of the duties in his salaried position, and insofar that such activities or services are performed solely on behalf of his employer, or insofar as such person engages in public speaking with or without remuneration. Nothing in this Act shall be construed to limit the activities of and services of a student, intern or resident in psychology pursuing a degree in psychology in a school, college, university or other institution, approved by the Department of Registration and Education, provided that such activities and services are supervised as a part of his degree program. Nothing contained in this Section shall be construed as permitting such persons to offer their services as psychologists to any other person and to accept remuneration for such psychological services other than as specifically excepted herein, unless they have been registered under the provisions of this Act.

(b) Nothing in this Act shall prevent the employment, by a person, association, partnership or a corporation furnishing psychological services for remuneration, of persons not registered as psychologists under the provisions of this Act to perform services in various capacities as needed if such persons work under the supervision of a psychologist or psychologists registered under the provisions of this Act and if such persons are not in any manner held out to the public as psychologists registered under the provisions of this Act.

(c) Nothing in this Act shall be construed as restricting the use of tools, tests, instruments or techniques usually denominated "psychological," provided that the user does not represent himself or itself in a manner prohibited by this Act.

(d) Nothing in this Act shall be construed as permitting persons registered as psychologists to engage in any manner in the practice of medicine as defined in the laws of this State. Persons registered as psychologists who render services to persons in need of mental treatment or who are mentally ill shall initiate and cooperate in maintaining genuine collaboration with a qualified physician licensed under the laws of Illinois.

(e) Nothing in this Act shall be construed as restricting the use of the term "social psychologist" by any person who has received a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a school or college as defined in this Act, and who has passed comprehensive examinations in the field of social psychology as a part of the requirements for the doctoral degree or has had equivalent specialized training in social psychology, and who has notified the Department of his intention to use the term "social psychologist" and filed a statement of the fact demonstrating his compliance with this subsection.

(f) A psychologist who is not a resident of this State and offer [sic] professional services in this State for not more than 5 days in any calendar year is exempt from the provisions of this Act.

Nothing in this Act shall be construed as restricting an individual certified as a school psychologist by the State Board of Education, who is at least 21 years of age and has had at least 3 years of full-time experience as a certified school psychologist, from using the title School Psychologist and offering school psychological services limited to those services set forth in the Rules and Regulations (as promulgated February 1, 1979) that Govern the Administration and Operation of Special Education pertaining to children and youth ages 0-21 prepared by the State Board of Education. Anyone offering such services under the provisions of this paragraph of Section 5 shall use the term school psychologist and describe such services as "School Psychological Services". This exemption shall be limited to the practice of school psychology only as manifested through psychoeducational problems, and shall not be construed to allow the school psychologist to function as a general practitioner of psychology or as a clinical psychologist. However, nothing in this paragraph prohibits a school psychologist from making evaluations, recommendations or interventions regarding the placement of children in educational programs or special education classes, nor shall it prohibit school psychologists from providing general psychological services under the supervision of a registered psychologist. This paragraph of Section 5 shall not be construed to mandate insurance companies to reimburse school psychologists directly for the services of school psychologists. Nothing in this paragraph

of Section 5 shall be construed to exclude anyone duly registered under this Act from offering psychological services in the school setting. School psychologists providing services under the provisions of this paragraph shall not provide such services outside their employment to any child who is a student in the district or districts which employ such school psychologist. School psychologists, as described in this paragraph, shall be under the regulatory authority of the State Board of Education and the State Teacher Certification Board.

A psychologist who is not a resident of the State, but (1) is licensed or certified by a similar board of another State, or territory of the United States, or of a foreign country or province whose standards, in the opinion of the Department, are equivalent to or higher than, at the date of his certification or licensure, the requirements of this Act, or (2) meets the requirements of paragraph (a), (b), (c), (d) and (e) of Section 10 and resides in another State, or territory of the United States, or of a foreign country or province which does not grant certificates or licenses to psychologists, may offer professional services in this State for a total of not more than 60 days in any calendar year without holding a certificate issued under this Act; provided, that such persons shall report to the Department the nature and extent of their practice in this State if it exceeds 20 days within any calendar year.

Amended by P.A. 82-630, eff. September 24, 1981.

(5306) Disclosure of information by psychologist--Prohibition--Exceptions.) Section 6. No psychologist shall disclose any information he may have acquired from persons consulting him in his professional capacity, necessary to enable him to render services in his professional capacity, to such persons except only: (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide, (2) in all proceedings the purpose of which is to determine mental competency, or in which a defense of mental incapacity is raised, (3) in actions, civil or criminal, against the psychologist for malpractice, (4) with the expressed consent of the client, or in the case of his death or disability, of his personal representative or other person authorized to sue or of the beneficiary of an insurance policy on his life, health or physical condition, or (5) upon an issue as to the validity of a document as a will of a client. In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act, enacted by the 80th General Assembly, to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.

Amended by P.A. 80-1508, eff. January 1, 1979.

(5307) Functions and duties of department.) Section 7. Subject to the provisions of this Act, the Department shall:

(1) Prescribe rules defining what constitutes a school, college, university, or other institution, reputable and in good standing, for the purposes of this Act. In prescribing such rules, the Department shall consider, though is not bound by, reports of accrediting agencies and of professional associations.

(2) Prescribe rules for a method of examination of candidates for registration under this Act and for issuance of certificates authorizing such qualified candidates to practice as psychologists.

(3) Authorize examinations to ascertain the qualifications and fitness of applicants for registration as psychologists; and pass upon the qualifications of applicants for reciprocal certificates and authorities.

(4) Conduct hearings on proceedings to refuse to issue or renew or to revoke certificates or suspend, place on probation, censure or reprimand persons registered under the provisions of this Act, and to refuse to issue or to suspend or to revoke or to refuse to renew certificates or to place on probation, censure or reprimand such persons registered under the provisions of this Act.

(5) Formulate rules and regulations required for the administration of this Act.

Amended by P.A. 83-878, eff. September 26, 1983.

(5308) Committee--Composition--Qualifications--Appointments--Terms--Vacancies--Removal--Expenses.) Section 8. None of the functions and duties enumerated in Section 7 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee which shall be composed of persons designated by the Director to take such action and to make such report for the profession of psychology involved herein.

The Committee shall consist of 5 registered psychologists in good standing in this State who shall have at least 5 years experience as psychologists and shall meet the requirements set forth in Section 10 of this Act. In appointing members of the Committee, the Director shall give due consideration to the adequate representation of the various fields of psychology such as clinical, educational, experimental, industrial, school and social; he shall endeavor to appoint at least 2 members engaged in doctoral level teaching or training of psychology students, and 3 members engaged in rendering services in psychology. In appointing members of the Committee, the Director shall give due consideration to recommendations by members of the profession of psychology and

STATE OF ILLINOIS
DEPARTMENT OF REGISTRATION AND EDUCATION

**RULES FOR THE
ADMINISTRATION OF THE
PSYCHOLOGIST REGISTRATION ACT**

Revised 1982

Printed in 1985 by Authority of the State of Illinois

STATE OF ILLINOIS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER I: DEPARTMENT OF REGISTRATION AND EDUCATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 400

PSYCHOLOGIST REGISTRATION ACT

DEPARTMENT OF REGISTRATION AND EDUCATION
SPRINGFIELD

(Printed by Authority of the State of Illinois)

1985

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER I: DEPARTMENT OF REGISTRATION AND EDUCATION
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PART 400
PSYCHOLOGIST REGISTRATION ACT

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER 1: DEPARTMENT OF REGISTRATION AND EDUCATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 400
PSYCHOLOGIST REGISTRATION ACT

AUTHORITY: Implementing Section 7 of the "Psychologist Registration Act" (Ill. Rev. Stat. 1979, ch. 111, par. 5307) and authorized by Section 60(7) of "The Civil Administrative Code of Illinois" (Ill. Rev. Stat. 1979, ch. 127, par. 60(7)).

SOURCE: 5 Ill. Reg. 335, January 23, 1981; effective January 15, 1981; codified at 5 Ill. Reg. 11057; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982.

Section 400.10 Statutory Authority

These rules are promulgated pursuant to Section 7 of the "Psychologist Registration Act" (the "Act"). (Ill. Rev. Stat. 1979, Chapter 111, paragraph 5307)

Section 400.20 Approval of Educational Programs

a) Approval. The Department shall, upon the recommendation of the Psychology Examining Committee, approve an educational program leading to a doctoral degree as reputable and in good standing if it meets the following minimum criteria:

- 1) The Department will be guided but not bound by whether the program is in an institution accredited by a regional accrediting association and the American Psychological Association to offer a doctoral degree in psychology.
- 2) The program leads to a doctoral degree in psychology which shall mean a doctoral degree with a major in psychology offered by a department or school of psychology or leads to the equivalent of the doctoral degree in psychology based on the requirements of these rules.
- 3) The program must be clearly identified and labeled as a program to educate and train professional psychologists.
- 4) The program is an integrated, organized sequence of study.
- 5) The program is supervised by a psychologist.

- 6) At least 75% of the graduate course credits required for the doctoral degree, excluding dissertation credits, shall be successfully earned in graduate courses which are psychological in content.
- 7) The curriculum shall encompass the equivalent of at least three academic years of full-time graduate study and shall include instruction in the following areas:
 - A) Scientific and professional ethics and standards;
 - B) Research design;
 - C) Methodology;
 - D) Statistics;
 - E) Psychometrics; and
 - F) At least six graduate semester hours or the equivalent in each of the following content areas; but not necessarily in courses by these names:
 - i) Biological basis of behavior such as: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.
 - ii) Cognitive-affective basis of behavior such as: learning, thinking, motivation, emotion.
 - iii) Social basis of behavior such as: social psychology, group processes, organizational and systems theory.
 - iv) Individual differences such as: personality theory, human development, abnormal psychology.
- 8) The program includes laboratory, clinical and/ or field training appropriate to development of professional competency, the capacity to conceptualize human problems and skill in relevant interpersonal interactions such as systematic observation of behavior, interviewing, psychological testing, psychotherapy, counseling and consultation.
- 9) Any dissertation required for the doctoral degree is, in the judgment of the Psychology Examining Committee, psychological in method and content and

an expected product of doctoral training in psychology.

b) Withdrawal of Approval

- 1) The Director may, upon a written recommendation submitted by the Examining Committee, withdraw, suspend or place on probation the approval of a program, when the quality of the program has been materially affected by any of the following causes:
 - A) Gross or repeated violations of any provision of the Act;
 - B) Gross or repeated violations of any of these Rules;
 - C) A showing of a lack of integrity of officials; or
 - D) Fraud or dishonesty in applying for approval of a program.
- 2) A program whose approval is being reconsidered by the Department shall be given written notice prior to any recommendation by the Committee and may either submit written comments or request a hearing before the Committee.

Section 400.30 Professional Experience

To meet the requirements of satisfactory professional experience as set forth in Section 10 of the Act, the applicant's experience:

- a) Shall involve the practice of psychology as defined in Section 4 of the Act and shall include tasks which depend on the application of skills, concepts, or principles learned during the applicant's professional education. Illustrative tasks are:
 - 1) Administering and interpreting unstructured psychological tests;
 - 2) Diagnosing and treating individuals with mental, emotional, behavioral or nervous disorders or conditions, or individuals with developmental disabilities;
 - 3) Assisting clients or organizations in solving professional, personal, or personnel problems;
 - 4) Independent research; and

- 5) Full responsibility for teaching college level psychology courses.
- b) May not be limited to essentially repetitious and routine tasks which, although involving psychological activities, are at the pre-professional level. Tasks illustrative of preprofessional experience are:
 - 1) Administering and scoring structured tests;
 - 2) Conducting standardized interviews;
 - 3) Collecting data;
 - 4) Academic guidance counseling; and
 - 5) Assisting in a laboratory or teaching situation.
 - c) Must be supervised by a registered psychologist or by a person possessing qualifications substantially equivalent to those required by the Act. The experience must be performed pursuant to the order, control and full professional responsibility of the supervisor, who shall meet with the applicant a minimum of one hour per week.
 - d) Shall be two years of experience, at least one of which must be post-doctoral. Pre-doctoral experience cannot be offered to fulfill both education and experience requirements.
 - 1) Two years of experience is defined as 4,000 hours obtained in not less than 24 months at a rate not to exceed 50 hours per week.
 - 2) An applicant must devote full-time supervised work activity in a single setting for a minimum of six months for it to be counted toward experience acceptable to the Committee. Half-time experience is counted only if the applicant is in the same setting for a minimum of 12 months or a full time academic term, in the case of a teaching position. Experiences of shorter duration will not be counted.
 - 3) All experience submitted to fulfill requirements for licensure must have been obtained within the most recent 10 calendar years with at least half within the most recent 5 calendar years.

Section 400.40 Application for Examination

An applicant shall file an application on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

- a) A recent photograph, not larger than 2½ by 2½ inches;
- b) Certification of receipt of a doctoral degree in Psychology as defined in Rule II (68 Ill. Adm. Code 400.20) and official transcripts from an educational program approved by the Department. If the transcript does not show the required number of courses in psychology, the applicant, to provide evidence of the psychological nature of the relevant courses, must submit original catalog descriptions, syllabi of courses and other similar supporting documentation, if requested by the Department. (The burden of persuasion of the equivalency of his academic course work in psychology is on the applicant.)
- c) Professional experience reference forms verifying the length, exact time, and description of functions of the applicant's employment. References shall be completed by the person who supervised the applicant pursuant to subsection (c) of Rule III (68 Ill. Adm. Code 400.30(c)); and
- d) The required fee.
- e) Applicants who are graduates from educational institutions outside the United States shall provide, in addition to those requirements listed above, a certified translation of all documents submitted in any language other than English.

(Source: Amended at 5 Ill. Reg. 14171, effective December 3, 1981)

Section 400.50 Examination

- a) Applicants reporting for the written examination must bring their admission card and a recent unmounted photograph not larger than 2½ by 2½ inches.
- b) The examination shall be given one grade only, and shall cover the areas of Ethics and Research and Statistics Methodology. In addition, the exam may draw from the areas of Clinical, Counseling, Industrial and Educational Psychology.
- c) The passing grade shall be 70 per cent.

Section 400.60 Endorsement

Any person who is currently licensed in another state or territory of the United States or a foreign country desiring to obtain a certificate of registration as a registered psychologist by endorsement shall file an application with the Department, together with:

- a) A certification from the jurisdiction of original licensure, stating:
- 1) The date of issuance of the applicant's license;
 - 2) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - 3) That such licensing authority has received proof that the applicant obtained a doctoral degree in psychology, and the name of the college, university, or other institution from which the applicant received the degree;
 - 4) The number of years of professional experience achieved by the applicant prior to licensure according to the records;
 - 5) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;
- b) If the applicant is not currently licensed in the state of original licensure, a certification from the state of current licensure; and
- c) The required fee.

(Source: Amended at 5 Ill. Reg. 14171, effective December 3, 1981)

Section 400.65 Renewals

- a) Every certificate of registration issued under the Act shall expire on September 30 of each even numbered year. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.
- b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee..

(Source: Added at 6 Ill. Reg. 7448; effective June 15, 1982)

Section 400.70 Restoration

A person seeking restoration of his certificate of registration which has expired for more than five years shall file a completed application on forms supplied by the Department for restoration with the required fee. The applicant shall also be required to either:

- a) Submit certification of current licensure from another state or territory; or
- b) Submit proof of one year of recent study in an approved educational program; or
- c) Submit verification of six months of supervised experience, completed by the supervising psychologist; or
- d) Pass the examination as set forth in Rule V (68 Ill. Adm. Code 400.50). An applicant required to pass the examination will be scheduled for the first available examination.

(Source: Amended at 5 Ill. Reg. 14171, effective December 3, 1981)

Section 400.60 Unethical, Unauthorized, or Unprofessional Conduct

As one of the reasons for the Department to refuse to issue or renew, or to suspend or revoke a license, "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 15(7) of the Act is interpreted to include, but is not limited to, the following acts or practices:

- a) Revealing facts, data, or information relating to a client or examinee, except as allowed under Section 6 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1979, ch. 91½, par. 801 et. seq.). The release of information "with the expressed consent of the client" as provided for in Section 6 of the Act is interpreted to mean that the psychologist, prior to the release of the information, obtained written consent and made certain that the client understood the possible uses or distributions of the information. Case history material may be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client(s) or examinee(s) involved;
- b) Making gross or deliberate misrepresentations or misleading claims as to his professional qualifications or of the efficacy or value of his treatments or remedies, or those of another practitioner;
- c) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;

- d) Refusing to divulge to the Department techniques or procedures used in his professional activities upon request;
- e) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered;
- f) Impersonating another person holding a psychology license or allowing another person to use his license;
- g) The commission of any dishonest, corrupt, or fraudulent act or any act of sexual abuse or sexual relations with a patient or sexual misconduct which is substantially related to the functions or duties of a psychologist providing services or supervising psychological services;
- h) Directly or indirectly, in any manner or by any means, accepting or giving any money or thing of value of any kind to another person or organization in return for the referral of a client;
- i) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor.

Section 400.90 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he finds that:
 - 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Psychologist Examining Committee of the granting of such variance, and the reasons therefor, at the next meeting of the Committee.

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(5) Has had at least 2 years of satisfactory supervised professional experience; and

(6) Has passed an examination authorized by the Department to determine his fitness to receive a certificate.

The Department may establish by rule reasonable requirements for determining proof of lawful admission to the United States.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate automatically as a complete bar to registration.

Examination for applicants under this Act shall be held by the Department from time to time but not less than once each year. The scope and form of the examination shall be determined by the Department. If an applicant fails to qualify in his first examination, he may be admitted to subsequent examinations.

Each applicant for a certificate who possesses the necessary qualifications therefor shall be examined by the Department, and shall pay to the Department, the required examination fee, which fee shall not be refunded by the Department.

If an applicant neglects, fails or refuses to take an examination for registration under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. Amended by P.A. 83-878, eff. September 26, 1983.

(5312) Education and examination requirements--Persons certified in (foreign state--Certificate of registration of association, partnership or corporation.) Section 11.

(a) Until 2 years after effective date of this Act the Department shall allow a Master's degree in psychology from an approved college, university, or other institution and 2 years professional experience which is deemed satisfactory by the Department, to meet the education and examination requirements of paragraphs (d), (e) and (f) of Section 10.

(b) After 2 years but within 8 years after effective date of this Act the requirements of paragraphs (d) and (e) of Section 10 shall be modified and shall be deemed to be met by the submission of evidence satisfactory to the Department that the applicant (1) has received a Master's degree in psychology from an approved college, university, or other institution; and in addition (2) has had at least 5 years of satisfactory professional experience in rendering psychological services, including at least 2 years of satisfactory supervised experience in rendering psychological services, 1 year of

which experience must have been received following completion of the Master's degree.

(c) The Department may, in its discretion, grant a certificate on payment of the required fee, to any person who at the time of application is licensed or certified by a similar board of another State, or territory of the United States, or of a foreign country or province whose standards, in the opinion of the Department, were substantially equivalent to, at the date of his certification or licensure, the requirements of this Act.

(d) The Department shall issue a certificate of registration on payment of the required fee, to any association, partnership or corporation where the applicant submits evidence that the organization is in compliance with the provisions of Section 3 of this Act. Any such application shall list, but need not be limited to, the name of each member or officer of the organization, and shall indicate which of the members or officers thereof holds a certificate issued under this Act. For any association, partnership or corporation to retain a certificate issued under this Act, there must continue to be compliance with the provisions of Section 3 of this Act.

Amended by P.A. 83-878, eff. September 26, 1983.

(5313) Application for certificate of registration.) Section 12. Whoever desires to obtain a certificate of registration shall apply to the Department in writing, on forms prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath or affirmation, and shall be accompanied by the required fee.

(5314) Issuance of certificate.) Section 13. Upon payment of the required fee the Department shall issue a certificate to all applicants who meet the requirements of this Act.

(5315) Certificate of registration--Expiration and renewal--License--Expiration and restoration--Military service.) Section 14. The expiration date and renewal period for each certificate of registration issued under this Act shall be set by rule. Every holder of a certificate of registration under this Act may, renew such certificate during the month preceding the expiration date thereof upon payment of the required renewal fees.

A registered psychologist who has permitted his license to expire or who has had his license on inactive status may have his license restored by making application to the Department and filing proof acceptable to the Department of his fitness to have his license restored, including sworn evidence certifying to active practice in another jurisdiction

satisfactory to the Department and by paying the required restoration fee.

If the registered psychologist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Committee shall determine, by an evaluation program established by rule, his fitness to resume active status and may require the registered psychologist to complete a period of supervised professional experience and may require successful completion of an examination.

Any registered psychologist whose license has been expired for more than 5 years as of the effective date of this amendatory Act of 1983 may have his license restored by making application to the Department and filing proof acceptable to the Department of his fitness to have his license restored, including sworn evidence certifying to active practice in another jurisdiction and by paying the required restoration fee.

However, any registered psychologist whose license expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed or restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training or education, except under conditions other than honorable, he furnished the Department with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated. Amended by P.A. 83-863, eff. January 1, 1984.

(5315.1) Inactive status--Restoration.) Section 14.1. Any registered psychologist who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any registered psychologist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license, as provided in Section 14 of this Act.

Any registered psychologist whose license is in an inactive status shall not practice in the State of Illinois. Added by P.A. 83-863, eff. January 1, 1984.

(5316) Refusal, revocation or suspension of certificate of registration--Probation, censure or reprimand--Grounds--Persons involuntarily or judicially admitted--Restoration.)

Section 15. The Department may refuse to issue, may refuse to renew, may suspend, may revoke any certificate of registration or may place on probation, censure or reprimand any person registered under the provisions of this Act for any of the following reasons:

(1) Conviction of any crime which is a felony under the laws of the United States or any state or territory thereof or which is a misdemeanor, an essential element of which is dishonesty, or any crime which is directly related to the practice of the profession.

(2) Gross negligence in the rendering of psychological services;

(3) Using fraud or making any misrepresentation in applying for a certificate or in passing the examination provided for in this Act;

(4) Aiding or abetting or conspiring to aid or abet a person, not a psychologist registered under this Act, in representing himself as so registered or in applying for a certificate under this Act;

(5) Violation of any provision of this Act or the Rules promulgated thereunder;

(6) Professional connection or association with any person, firm, association, partnership or corporation holding himself, themselves, or itself out in any manner contrary to this Act;

(7) Unethical, unauthorized or unprofessional conduct as defined by rule. In establishing those rules, the Department shall consider, though is not bound by, the ethical standards for psychologists promulgated by recognized national psychology associations;

(8) Aiding or assisting another person in violating any provision of this Act or the rules promulgated thereunder;

(9) Failing, within 60 days, to provide information in response to a written request made by the Department;

(10) Habitual intoxication or addiction to the use of drugs;

(11) Discipline by another State, territory, the District of Columbia or foreign country, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein;

(12) Directly or indirectly giving or receiving from any person, firm, corporation, association or partnership any fee, commission, rebate or other form of compensation for any professional service not actually or personally rendered;

(13) A finding by the Committee that the registrant, after having his certificate of registration placed on probationary status has violated the terms of probation;

(14) Willfully making or filing false records or reports, including but not limited to, false records or reports filed with State agencies or departments;

(15) Physical illness, including but not limited to, deterioration through the aging process or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill and safety; or

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the "Abused and Neglected Child Reporting Act", as now or hereafter amended.

The entry of an order by any circuit court establishing that any person holding a certificate of registration under this Act is subject to involuntary admission or judicial admission as provided for in the "Mental Health and Developmental Disabilities Code", approved September 5, 1978, as now or hereafter amended, operates as an automatic suspension of that certificate of registration. That person may have his certificate restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient and upon the Committee's recommendation to the Department that the certificate be restored. Where the circumstances so indicate, the Committee may recommend to the Department that it require an examination prior to restoring any certificate of registration so automatically suspended.

Amended by P.A. 83-878, eff. September 26, 1983.

(5317) Refusal, revocation or suspension of certificate of registration--Notice and hearing.) Section 16. Certificates may be refused, revoked, or suspended in the manner provided by this Act and not otherwise. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any person applying for, holding or claiming to hold a certificate. The Department shall, before refusing to issue, renew, suspend or revoke any certificate, and at least 10 days prior to the date set for the hearing, notify in writing the applicant for or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by mailing the same by certified mail to his last known place of residence or to the place of business last theretofore specified by the accused person in his last

n tification to the Department. At the time and place fixed in the notice, the Committee shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present, in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which such hearing shall have been continued, the Department shall continue such hearing for a period not to exceed 30 days.

(5318) Subpoenas of witnesses and taking of testimony--Administration of oaths.) Section 17. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in courts in this State.

The Director, and any member of the Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct.
Amended by P.A. 83-338, eff. September 14, 1983.

(5319) Compelling testimony.) Section 18. Any circuit court, upon the application of the accused person or complainant or the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, suspension or revocation of a certificate of registration, and the court may compel obedience to its order by proceedings for contempt.
Amended by P.A. 83-334, eff. September 14, 1983.

(5320) Record of proceedings.) Section 19. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at any hearing provided for by this Act. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a copy of the transcript of such record to any person requesting the same, upon payment of one dollar per page for the first copy of each such transcript or part thereof and fifty cents per page for each additional copy thereof ordered at the same time: Provided that the charge for a copy of any part of such transcript ordered and paid for previous to the transcribing of the original record thereof shall be fifty cents per page for each carbon copy.
Amended by P.A. 77-424, eff. July 23, 1971.

(5321) Report of committee--Rehearing.) Section 20. The Committee shall present to the Director its written report of

its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by certified mail as provided in Section 16 for the service of the notice of hearing. Within 20 days after such service, the accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If the accused person shall order and pay for a transcript of the record as provided in Section 19, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

(5322) Restoration of certificate.) Section 21. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person upon the written recommendation of the Committee. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the accused person prior to restoring his certificate.

(5323) Review under Administrative Review Law.) Section 22. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Amended by P.A. 82-783, eff. July 13, 1982.

(5324) Certification of record--Receipt for cost.) Section 23. The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a Judicial review proceeding, unless there is filed in the Court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the Plaintiff to file such receipt in Court shall be grounds for dismissal of the action. Amended by P.A. 77-424, eff. July 23, 1971.

(5325) Fees.) Section 24. The following fees are not refundable.

(1) The fee for application for a certificate of registration as a registered psychologist is \$25.

(2) In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for each examination has been received

and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(3) The fee for a certificate of registration for a psychologist certified or licensed under the laws of another state, or territory of the United States or of a foreign country or province is \$50.

(4) The fee for registering as association, partnership or corporation is \$50.

(5) The fee for the renewal of a certificate of registration shall be calculated at the rate of \$40 per year.

(6) The fee for the restoration of a certificate of registration other than from inactive status is \$10 plus payment of all lapsed renewal fees, but not to exceed \$210.

(7) The fee for the issuance of a duplicate certificate of registration, for the issuance of a replacement certificate for a certificate which has been lost or destroyed or for the issuance of a certificate with a change of name or address other than during the renewal period is \$10. No fee is required for name and address changes on Department records when no duplicate certificate is issued.

(8) The fee for a certification of a registrant's record for any purpose is \$10.

(9) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$10.

(10) The fee for a wall certificate showing his registration shall be the actual cost of producing such certificate.

(11) The fee for a roster of person registered as psychologists in this State shall be the actual cost of producing such a roster.

Amended by P.A. 83-863, eff. January 1, 1984.

(5326) Penalty for unlawful practice.) Section 25. Any person representing himself as a psychologist or that the services he renders are psychological services when he does not possess a currently valid certificate as defined herein commits a Class B Misdemeanor, for a first offense; and for a second or subsequent violation commits a Class A Misdemeanor. Amended by P.A. 77-2655, eff. January 1, 1973.

(5327) Unlawful practice as public nuisance--Injunction.) Section 26. It is hereby declared to be a public nuisance for any person to represent himself or herself as a psychologist or that the services he or she renders are psychological services without having in effect a currently valid

certificate as defined in this Act. The Director or the State's attorney of the county in which such nuisance has occurred may file a complaint in the circuit court in the name of the people of the State of Illinois perpetually to enjoin such person from performing such unlawful acts. Upon the filing of a verified complaint in such cause, the court, if satisfied that such unlawful act has been performed and may continue to be performed, shall enter a temporary restraining order or preliminary injunction without notice or bond enjoining the defendant from performing such unlawful act.

If it is established that the defendant contrary to this Act has been or is engaging in or about to engage in representing himself or herself as a psychologist or that the services he or she renders are psychological services without having been issued a certificate or after his or her certificate has been suspended or revoked or after his or her certificate has not been renewed, the court, may enter a judgment perpetually enjoining such person from further engaging in the unlawful act. In case of violation of any injunction entered under this Section, the court, may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Amended by P.A. 83-334, eff. September 14, 1983.

(5328) Severability clause.) Section 27. If any portion of this Act is held invalid, such invalidity shall not effect any other part of this Act which can be given effect without the invalid portion.

(5329) Public Policy.) Section 29. It is declared to be the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

Amended by P.A. 80-1495, eff. January 8, 1979.

REPEAL OF ACT

Public Act 81-999, the Regulatory Agency Sunset Act, effective September 22, 1979 (Ill.Rev.Stat. 1983, Ch. 127, pars. 1901 et seq.), as amended by Public Act 83-230, effective September 7, 1983, which provides for the legislative review of programs and agencies which regulate professions, occupations, business, industry and trade in Illinois, provides in Section 4.4 of the Act for repeal of The

Psychologist Registration Act, effective
December 31, 1987, unless prior to that date the
General Assembly enacts legislation providing for
its continuation.

DEPARTMENT OF REGISTRATION AND EDUCATION
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Revised 1983
(2000-3/85)

CHAPTER 490

PSYCHOLOGICAL SERVICES

- 490.001 Short title.
- 490.002 Intent.
- 490.003 Definitions.
- 490.004 Board of Psychological Examiners.
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- 490.011 Sexual misconduct in the practice of a profession which is licensed under this chapter.
- 490.012 Violations; penalties; injunction.
- 490.014 Exemptions.
- 490.015 Duties of the department.

490.001 Short title.—This chapter may be cited as the "Psychological Services Act."

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

490.002 Intent.—The Legislature finds that as society becomes increasingly complex, emotional survival is equal in importance to physical survival. Therefore, in order to preserve the health, safety, and welfare of the public, the Legislature must provide privileged communication for members of the public or those acting on their behalf to encourage needed or desired psychological services to be sought out. The Legislature further finds that, since such psychological services assist the public primarily with emotional survival, which in turn affects physical and psychophysical survival, the practice of psychology, school psychology, clinical social work, marriage and family therapy, and mental health counseling by persons not qualified to practice such professions presents a danger to public health, safety, and welfare. The Legislature finds that, to further secure the health, safety, and welfare of the public and also to encourage professional cooperation among all qualified professionals, the Legislature must assist the public in making informed choices of such qualified psychological services by establishing minimum qualifications for entering into and remaining in the respective professions.

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

490.003 Definitions.—

(1) "Department" means the Department of Professional Regulation.

(2) "Board" means the Board of Psychological Examiners.

(3) "Psychologist" means a person licensed pursuant to s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, ch. 81-235, Laws of Florida.

(4) "Clinical social worker" means a person licensed pursuant to s. 490.005(2)(a), s. 490.006, or the provision identified as s. 490.013(1) in s. 1, ch. 81-235, Laws of Florida.

(5) "Marriage and family therapist" means a person licensed pursuant to s. 490.005(2)(b), s. 490.006, or the provision identified as s. 490.013(1) in s. 1, ch. 81-235, Laws of Florida.

(6) "Mental health counselor" means a person licensed pursuant to s. 490.005(2)(c), s. 490.006, or the provision identified as s. 490.013(1) in s. 1, ch. 81-235, Laws of Florida.

(7) "School psychologist" means a person licensed pursuant to s. 490.005(2)(d), s. 490.006, or the provision identified as s. 490.013(1) in s. 1, ch. 81-235, Laws of Florida. A school psychologist may only render or offer to render to individuals, groups, organizations, government agencies, or the public any of the following services:

(a) Evaluation, measurement, and assessment of intellectual ability, aptitudes, or achievement that directly relates to learning or behavioral problems in an educational setting in order to determine appropriate recommendations.

(b) Psychoeducational or vocational consultation or direct psychoeducational service to schools, agencies, organizations, or psychological professionals, which is directly related to learning problems.

(c) Development of programs to facilitate the learning process of clients.

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

490.004 Board of Psychological Examiners.

(1) There is created within the Department of Professional Regulation a Board of Psychological Examiners, composed of seven members appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be licensed psychologists in good standing in this state, and the remaining two members shall be citizens of the state who are not and have never been licensed psychologists and who are in no way connected with the practice of psychology.

(3) No later than January 1, 1982, the Governor shall appoint seven members of the board as follows:

(a) Two members for terms of 2 years each.

(b) Two members for terms of 3 years each.

(c) Three members for terms of 4 years each.

(4) As the terms of the initial members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed.

(5) The board shall adopt rules to implement the provisions of this chapter.

(6) All applicable provisions of chapter 455 relating to activities of regulatory boards shall apply to the board.

(7) The board shall maintain its official headquarters in the City of Tallahassee.

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psy-

chologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board not to exceed \$250.

(b) Submitted proof satisfactory to the board that he has received a doctoral degree with a major in psychology from a university or professional school that has a program approved by the American Psychological Association or that he has received a doctoral degree in psychology from a university or professional school maintaining a standard of training comparable to the standards of training of those universities having programs approved by the American Psychological Association or the doctoral psychology programs of the state universities.

(c) Had at least 2 years' or 4,000 hours' full-time experience in the field of psychology in association with or under the supervision of a psychologist meeting the academic and experience requirements of this chapter. The experience requirement may be met by work performed on or off the premises of the supervising psychologist if the off-premises work is not the independent, private practice rendering of psychological services that does not have a psychologist as a member of the group actually rendering psychological services on the premises. No more than 1 year of predoctoral experience may be utilized in satisfying the experience required.

(d) Passed the examination.

(2) Upon verification of documentation and payment of a fee not to exceed \$250 as set by department rule, the department shall issue a license to an applicant as a:

(a) Clinical social worker who:

1. Has made application therefor and paid the appropriate fee.

2. Has received a master's degree with a major emphasis or specialty in direct patient or client health care services, including, but not limited to, programs of study in psychiatric social work, medical social work, social casework, psychotherapy, or group therapy, from a graduate school of social work approved by the Council on Social Work Education, or has received a doctoral degree in social work with clinical emphasis from a college or university accredited by an accrediting agency approved by the United States Department of Education.

3. Has had at least 3 years' experience as a provider of behavioral therapy, 2 years of which must be at the post-master's level and 2 years of which must be under the supervision of someone who meets the education and experience requirements for licensure as a clinical social worker under this chapter. A doctoral internship may be applied toward the supervision requirement.

4. Has passed an examination prepared by the department or the state professional organization or clinical social workers as designated by the department for this purpose.

(b) Marriage and family therapist who:

1. Has made application therefor and paid the appropriate fee.

2. Has a minimum of a master's degree with ma-

jor emphasis in marriage and family therapy, psychology, clinical social work, or mental health counseling from a college or university accredited by an accrediting agency approved by the United States Department of Education, or has completed all of the following requirements from a college or university accredited by an accrediting agency approved by the United States Department of Education:

a. A minimum of a master's degree.

b. Eighteen semester hours or 27 quarter hours of graduate coursework in theory and practice of marriage and family therapy, pastoral care and counseling, sex therapy, counseling theories and practice, guidance counseling, or theory of individual or small group human behavior. No more than 6 semester hours or 9 quarter hours of vocational counseling may be applied to meet this 18-semester-hour or 27-quarter-hour requirement. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis work; or practicums, internships, or fieldwork may not be applied toward this requirement.

c. A minimum of one course in evaluation, research, appraisal, assessment, or testing procedures. Credit for thesis work may not be applied toward this requirement.

d. A minimum of one supervised practicum, internship, or field experience in a counseling setting. This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a similar program within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education. Such certification shall be required from an official of such college or university.

3. Coursework which is taken at the baccalaureate level and is considered a part of an accredited program for which the applicant has received a minimum of a master's degree and which is required for completion of the master's degree program may be applied toward the educational requirements for licensure.

4. Has had not less than 3 years' experience as a marriage and family therapist, 2 years of which must be at the post-master's level and 2 years of which must be under the supervision of someone who meets the education and experience criteria required for licensure as a marriage and family therapist under this chapter. A doctoral internship may be applied toward the supervision requirement.

5. Has passed an examination prepared by the department or the state professional organization for marriage and family therapists as designated by the department for this purpose.

(c) Mental health counselor who:

1. Has made application therefor and paid the appropriate fee.

2. Has received a minimum of an earned master's degree in mental health counseling, psychology, guidance counseling, or rehabilitation counseling at a college or university accredited by an accrediting agency approved by the United States Department of Education or has completed all of the following requirements from a college or university accredited by an

accrediting agency approved by the United States Department of Education:

a. A minimum of a master's degree.
b. Eighteen semester hours or 27 quarter hours of graduate coursework in counseling theories and practice, guidance counseling, or theory of individual or small group human behavior. No more than 6 semester hours or 9 quarter hours of vocational counseling may be applied to meet this 18-semester-hour or 27-quarter-hour requirement. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis work; or practicums, internships, or fieldwork may not be applied toward this requirement.

c. A minimum of one course in evaluation, research, appraisal, assessment, or testing procedures. Credit for thesis work may not be applied toward this requirement.

d. A minimum of one supervised practicum, internship, or field experience in a counseling setting. This requirement may be met by a supervised practice experience which takes place outside the academic arena, but which is certified as equivalent to a similar program within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education. Such certification shall be required from an official of such college or university.

3. Coursework which is taken at the baccalaureate level and is considered a part of an accredited program for which the applicant has received a minimum of a master's degree and which is required for completion of the master's degree program may be applied toward the educational requirements for licensure.

4. Has had a minimum of 3 years' experience in mental health counseling, 2 years of which must be at the post-master's level and 2 years of which must be under the supervision of someone who meets the education and experience requirements for licensure as a mental health counselor under this chapter. A doctoral internship may be applied toward the supervision requirement.

5. Has passed an examination prepared by the department or the state professional organization for mental health counselors as designated by the department for this purpose.

(d) School psychologist who:

1. Has made application therefor and paid the appropriate fee.

2. Has received a doctorate, specialist, or equivalent degree and has completed 60 semester hours or 90 quarter hours of graduate study, primarily psychological in nature, from a college or university accredited by an accrediting agency approved by the United States Department of Education.

3. Has had a minimum of 3 years' experience in school psychology, 2 years of which must be at the post-master's level and 2 years of which must be supervised experience as a school psychologist. A doctoral internship may be applied toward the supervision requirement.

4. Has passed an examination prepared by the department or the state professional organization for school psychologists as designated by the department for this purpose.

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265; s. 91, ch. 83-329.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

'490.006 Licensure by endorsement.—

(1) The department shall license a person in a profession regulated by this chapter who, upon applying to the department and remitting the appropriate fee, demonstrates to the department or, in the case of psychologists, to the board that he holds a valid license or certificate in another state to practice the profession for which licensure is applied, provided that, when the applicant secured such license or certificate, the requirements were substantially equivalent to or more stringent than those set forth in this chapter.

(2) Such examinations and requirements of other states shall be presumed to be substantially equivalent to or more stringent than those in this state unless the department or, in the case of psychologists, the board by rule finds otherwise. Such presumption shall not arise until January 1, 1982.

(3) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 490.009 shall apply.

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

'490.007 Renewal of license.—

(1) The department or, in the case of psychologists, the board shall prescribe by rule a method for the biennial renewal of licenses at a fee set by rule, not to exceed \$150.

(2) Each applicant for renewal shall present satisfactory evidence that, in the period since the license was issued, the applicant has completed continuing education requirements set by rule of the department or, in the case of psychologists, by rule of the board. Not more than 25 hours of continuing education per year shall be required.

(3) Any license that is delinquent for a period of less than 1 year shall be automatically placed on inactive status. Such license may be reactivated only when the licensee pays twice the amount of the delinquent fee and meets the continuing education requirements for reactivation pursuant to the provisions of subsection (4).

History.—s. 1, 3, ch. 81-235 s. 102, ch. 83-218; s. 1, 3, ch. 83-265; s. 116, ch. 83-329.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

Note.—Subsection (4) of s. 490.007 was repealed by s. 116, ch. 83-329; see s. 115, ch. 83-329, which amended s. 490.008 to include language formerly in s. 490.007(4) relating to continuing education requirements.

'490.008 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to s. 490.007 upon application to the department. The department or, in the case of psychologists, the board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 25 classroom hours for each year the license was inactive. Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for renewal of such license. Once a license expires, it becomes null and

void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.

(2) The board shall promulgate rules relating to licenses which have become inactive and for the renewal of inactive licenses. The board shall prescribe by rule a fee not to exceed \$50 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license.

History.—s. 1, 1, ch. 81-255, ss. 1, 1, ch. 81-265, s. 115, ch. 81-329.
Note.—Repealed effective October 1, 1985, by s. 1, ch. 81-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

Note.—Section 115, ch. 81-329, provides that any licensee whose license is inactive on October 1, 1981, "may retain inactive status for 4 years beginning from the date of the next biennial renewal, whereupon such inactive license shall expire if no reactivation or renewal of the inactive license has occurred."

490.009 Discipline.—

(1) When the department or, in the case of psychologists, the board finds that an applicant or licensee whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:

(a) Denial of an application for licensure, either temporarily or permanently.

(b) Revocation of an application for licensure, either temporarily or permanently.

(c) Suspension after hearing of a license for a period of up to 5 years.

(d) Immediate suspension of a license pursuant to s. 120.60(7).

(e) Imposition of an administrative fine not to exceed \$1,000.

(f) Issuance of a public reprimand.

(2) The following acts of a licensee or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his profession or the ability to practice his profession.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person whom the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only those which require the signature of a person licensed under this chapter.

(j) Paying or receiving a kickback, rebate, bonus, or other remuneration for receiving a patient or client or referring a patient or client to another provider of mental health care services or to a provider of health care services or goods.

(k) Committing any act upon a patient or client, other than the spouse of the actor, which would constitute sexual battery or which would constitute sexual misconduct as defined in s. 490.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he is licensed under this chapter with reasonable skill and competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance.

(q) Violating provisions of this chapter, or of chapter 455, or any rules adopted pursuant thereto.

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(t) Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(u) Violating a rule relating to the regulation of the profession or a lawful order of the department previously entered in a disciplinary hearing.

(v) Failure of the licensee to maintain in confidence a communication made by a patient or client in the context of such services, except by written permission or in the face of a clear and immediate prob-

ability of bodily harm to the patient or client or to others.

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

History.—ss. 1, 3, ch. 81-235; s. 35, ch. 83-215; ss. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

'490.011 Sexual misconduct in the practice of a profession which is licensed under this chapter.—Sexual misconduct in the practice of clinical social work, marriage and family therapy, mental health counseling, psychology, or school psychology is prohibited. Sexual misconduct shall be defined by rule.

History.—ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

'490.012 Violations; penalties; injunction.—

(1) No person shall hold himself out by any title or description incorporating the words, or permutations of them, "psychologist," "psychology," "psychological," "school psychologist," "psychotherapy," "clinical social work," "licensed social worker," "psychiatric social worker," "mental counseling," "marriage therapist," "marriage counselor," "marriage consultant," "family therapist," "family counselor," "family consultant," "mental health counselor," "sex therapist," or "sex counselor," unless such person is licensed under this chapter or is exempt from the provisions of this chapter. No person licensed pursuant to this chapter shall hold himself out by any title or description which indicates licensure other than that which has been granted to him.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The department may institute appropriate proceedings to enjoin violation of subsection (1).

History.—ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

'490.014 Exemptions.—

(1) No provision of this chapter shall be construed to limit the practice of medicine, osteopathy, nursing, or other recognized business or profession, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as possessing a license issued pursuant to this chapter.

(2) No person shall be required to be licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, chapter 396, or chapter 397; accredited academic institution; or research institu-

tion, if such employee is performing duties for which he was hired solely within the confines of such agency, facility, or institution.

(b) Is a student who is pursuing a course of study which leads to a degree in medicine or a profession regulated by this chapter who is providing services in a training setting, provided such activities or services constitute part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under this chapter, provided such graduate or student is designated by a title such as "intern" or "trainee" which clearly indicates the in-training status of the student.

(c) Is certified in school psychology by the Department of Education and is performing psychological services as an employee of a public or private educational institution. Such exemption shall not be construed to authorize any unlicensed practice which is not performed as a direct employee of an educational institution.

(d) Is not a resident of the state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified by a state or territory of the United States, or by a foreign country or province, the standards of which were, at the date of his licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of the department or, in the case of psychologists, in the opinion of the board.

(e) Is a rabbi, priest, minister, or clergyman of any religious denomination or sect when engaging in activities which are within the scope of the performance of his regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

History.—ss. 1, 3, ch. 81-235; s. 36, ch. 82-179; s. 40, ch. 83-216; ss. 1, 3, ch. 83-265; s. 92, ch. 84-329.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

'490.015 Duties of the department.—

(1) All functions reserved to boards under chapter 455 shall be exercised by the department with respect to the regulation of clinical social workers, marriage and family therapists, mental health counselors, and school psychologists and in a manner consistent with the exercise of its regulatory functions.

(2) The department shall adopt rules to implement the provisions of this chapter.

History.—ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-265.

Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

CHAPTER 84-168

House Bill No. 1013

An act relating to psychological services; creating s. 490.0055, F.S., requiring approval of continuing education providers, programs, and courses by the Department of Professional Regulation or the Board of Psychological Examiners; requiring the department and the board to adopt rules relating to continuing education; authorizing specified fees; providing for psychologist the right to practice hypnosis; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 490.0055, Florida Statutes, is created to read:

490.0055 Continuing education approval.--

(1) Continuing education providers, programs, and courses shall be approved by the department or, in the case of psychologists, the board.

(2) The department or, in the case of psychologists, the board shall adopt rules and guidelines to administer and enforce the provisions of this section.

(3) Proof of completion of the required number of hours of continuing education shall be submitted to the department in the manner and time specified by rule and on forms provided by the department.

(4) The department or, in the case of psychologists, the board shall have the authority to set a fee not to exceed \$100 for each provider submitted for approval. Said fees shall be deposited in the Professional Regulation Trust Fund.

Section 2. Each section which is added to chapter 490, Florida Statutes, by this act is repealed on October 1, 1988, and shall be repealed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 3. Section 490.0141, Florida Statutes, is created to read:

490.0141 Practice of Hypnosis.--Licensed psychologists qualified as determined by the board shall be permitted to practice hypnosis as defined in section 456.32(1), Florida Statutes. The provisions of this section shall not be interpreted to limit or affect the right of any person qualified pursuant to chapter 456, Florida Statutes, to practice hypnosis pursuant to chapter 456, Florida Statutes.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 11, 1984.

Filed in Office Secretary of State June 12, 1984.

* This public document was promulgated at a base cost of \$19.44 per *
* page for 1500 copies or \$.0130 per single page for the purpose *
* of informing the public of Acts passed by the Legislature. *

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CODING: Words in ~~struck-through~~ type are deletions from existing law;
words in underscoring type are additions.

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RULES
OF THE
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF PSYCHOLOGICAL EXAMINERS
CHAPTER 21U-10

- 21U-10.01 Purpose
- 21U-10.02 Composition
- 21U-10.03 Quorum
- 21U-10.04 General Description of Agency
Organization and Operations
- 21U-10.05 Board's Official Headquarters
- 21U-10.06 Meetings, Notice of Meetings and Agenda
- 21U-10.07 Workshops
- 21U-10.08 Declaratory Statements
- 21U-10.09 Statutory Chapters or Sections Affecting Board
- 21U-10.10 Public Information and Inspection of Records
- 21U-10.11 Model Rules of Procedure
- 21U-10.12 Designation of Official Reporter
- 21U-10.13 Conducting Meetings, Hearings, and Workshops by
Communications Media Technology

21U-10.01 Purpose. The Board of Psychological Examiners was created to ensure that the public is protected from the incompetent practice of psychology. This purpose is achieved through the establishment of minimum qualifications for entry into the profession and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated thereunder.

21U-10.02 Composition. The Board of Psychological Examiners is composed of seven (7) members appointed by the Governor and confirmed by the Senate. Five (5) members of the Board shall be licensed psychologists in good standing in this state. Two (2) members shall be citizens of the State of Florida who are not and have never been licensed as psychologists and who are in no way connected with the practice of psychology. The members shall be appointed for four (4) year terms except for the terms of the initial members.

21U-10.03 Quorum. Four (4) members of the Board shall constitute a quorum necessary to transact business.

21U-10.04 General Description of Agency Organization and Operations. The Board is located within the Department of Professional Regulation, which shall be responsible for providing such administrative, secretarial, clerical, investigative and prosecutorial personnel as are determined to be necessary to carry out the Board's purposes. The Department of Legal Affairs shall provide legal services to the Board. The Executive Director of the Board is hereby designated as the agent for the Board for the service of legal process upon the Board.

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21U-10.05 Board's Official Headquarters. The Board's official headquarters is in Tallahassee and the Board may be contacted through the Department of Professional Regulation, 130 N th Monroe Street, Tallahassee, Florida 32301, or at the Department's regional offices. Office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday. except for state holidays.

21U-10.06 Meetings; Notice of Meetings and Agenda.

(1) The Board shall hold such meetings during the year as it may deem necessary one of which shall be the annual meeting held in November at which the chairman and vice-chairman shall be elected. The chairman or a quorum of the Board shall have the authority to call other meetings.

(2) Except in the case of emergencies, the Board shall give at least seven (7) days notice of any meeting to the public generally by publication in the Florida Administrative Weekly. The notice shall state the date, time and place of the meeting, a brief description of the purpose of the meeting, and the address where persons may write to obtain a copy of the agenda.

(3) The Board shall prepare an agenda in time to insure that a copy may be received at least seven (7) days before the event by any person in the state who has requested a copy and pays the reasonable cost per copy. For good cause stated in the record, items on the agenda may be considered out of their stated order with the approval of the person designated to preside.

(4) Notwithstanding the provisions of subsections (2) and (3), the Board may hold emergency meetings for the purpose of acting on emergency matters affecting the public health, safety and welfare.

(5) All board proceedings are open to the public.

(6) For the purposes of Board member compensation under subsection (4) of Section 455.207, Florida Statutes, "other business involving the Board" is defined to include:

- (a) Board meetings;
- (b) Meetings of committees of the Board;
- (c) Meetings of a board member with Department staff or contractors of the Department at the Department or Board's request. Any participation or meeting of members noticed or unnoticed will be on file in the Board office;
- (d) Where a Board member has been requested by the Secretary of the Department to participate in a meeting;
- (e) Probable cause panel meetings;
- (f) Any emergency telephone conference calls;
- (g) Meetings of the American Association of State Psychology Boards or other national organizations having meetings dealing with state licensure or discipline of psychologists when attending in the capacity of a Board member.

21U-10.07 Workshops. A workshop is a conference at which a quorum of the Board or a committee of fewer than fifty-one percent (51%) of the Board members meet for purposes of rule drafting or policy discussions at which no official votes are to be taken or policy adopted. The provisions of Rule 21U-10.06, relating to meetings, also applies to workshops and committee meetings.

21U-10.08 Declaratory Statements. Any person requesting a declaratory statement from the Board under Chapter 120, Florida Statutes, or Chapter 28-4, Florida Administrative Code must do so in the manner provided in Section 120.565, Florida Statutes, or Chapter 28-4, Florida Administrative Code.

21U-10.09 Statutory Chapters or Sections Affecting Board. The following chapters and sections of Florida Statutes, listed by chapter or section number and title, affect the operation of the Board and may be of interest to a person doing business with the Board.

- (1) Chapter 455, Part I, General Provisions; Part II, Regulation by Department of Professional Regulation.
- (2) Chapter 490, Psychological Services Act.
- (3) Chapter 120, Administrative Procedure Act.
- (4) Chapter 119, Public Records.
- (5) Section 286.011, Public Meetings and Records; Public Inspection; Penalties; and Section 286.012, Voting Requirements at Meetings of Governmental Bodies.
- (6) Section 20.30, Department of Professional Regulation.
- (7) Chapter 112, Part III, Code of Ethics for Public Officers and Employees.

21U-10.10 Public Information and Inspection of Records. All records of the Board, except for inspection and examination at the Board's official headquarters under the supervision of an employee of the Department or Board. Copies of public records shall be provided to any person upon payment of the cost of copying as required by Section 119.07, Florida Statutes. The following Board records are made confidential by law and are not open for public inspection.

- (1) Complaints and all information obtained pursuant to the Department's investigation, until ten (10) days after probable cause has been found to exist or until the registered professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first (Section 455.225(9), F.S.);

- (2) An applicant's examination questions, answers, papers, grades and grading key, except as to that individual applicant (Sections 455.229, 119.07(3), F.S.); and

- (3) Financial information about an applicant or licensee (Section 455.299, F.S.).

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21U-10.11 Model Rules of Procedure. The board will follow and apply the Model Rules of Procedure, Chapter 28, Florida Administrative Code.

21U-10.12 Designation of Official Reporter. The Council designates PSI Professional Services, Inc. publishers of the Florida Administrative Law Reports (FALR), as its official reporter for the purposes of publishing and indexing by subject matter all orders rendered after a proceeding which affects substantial interests has been held.

21U-10.13 Conducting Meetings, Hearings, and Workshops by Communications Media Technology. The Council will follow and apply Rule Chapter 28-8, Florida Administrative Code, for conducting media technology except when otherwise explicitly provided by rule. One exception shall be that the time frame for notice of such meetings, hearings, and workshops shall be seven (7) days in advance.

21U-11.01 Reserved
21U-11.02 Reserved
21U-11.03 Examination
21U-11.04 Licensure by Endorsement
21U-11.05 Licensure by Exception
21U-11.06 Certification for Licensure by Examination

21U-11.01 Reserved

21U-11.02 Reserved.

21U-11.03 Examination.

(1) The Board specifies that the licensure examination administered by the Department of Professional Regulation shall consist of two parts, both of which must be passed for licensure.

(2) The Board approves and adopts the written examination developed by the American Association of State Psychology Boards and prepared by the Professional Examination Service and specifies that this examination shall constitute one part of the licensure examination administered by the Department. The American Association of State Psychology Boards' examination measures competency in the following subject areas:

- (a) Techniques for Appraising and Assessing;
- (b) Design, Implementation and Assessment of Intervention;
- (c) Uses of Psychological Literature; and
- (d) Techniques of Research.

(3)(a) All subject areas of the American Association of State Psychology Boards' examination are to be weighted equally in grading the examination, and successful completion of the examination requires that an applicant obtain a score of not less

than the national mean of all first time doctoral candidates minus 1.0 standard deviation.

(b) When a cut-off score contains a fraction of a percentage point of one half (.5) or higher that score will be raised to the next highest whole number. When that score contains a fraction of a percentage point of less than one half (.5), that score will be lowered to the next lowest whole number.

(4) The second part of the licensure examination shall be composed of a written examination developed and administered by the Department which tests those portions of Chapter 490, Florida Statutes, and the rules promulgated thereunder, governing the practice of psychology. This part of the licensure examination shall consist of no more than twenty-five (25) objective questions. A raw score of 75% correct shall be necessary to achieve a passing grade on this part of the licensure examination.

(5) The Board will certify as exempt from the written examination developed by the American Association of State Psychology Boards those applicants who have taken the American Association of State Psychology Boards' examination in another state and obtained a score which is at least equal to the score required in subsection (3) for licensure in Florida. The Board will also certify as exempt from the written examination developed by the American Association of State Psychology Board those applicants who hold a Diplomate from the American Board of Professional Psychology.

21U-11.04 Licensure by Endorsement.

(1) The Board, following a review of the statutes and rules governing the practice of psychology in the other states, finds that the licensure examinations and requirements of these other states should not be presumed to be substantially equivalent to or more stringent than those in this state.

(2) In order to be certified by the Board as eligible for issuance of a license by endorsement pursuant to section 490.006, F.S., an applicant must submit a completed application, a one hundred fifty dollars (\$150) application fee specified by Rule 21U-12.04, and must demonstrate to the Board's satisfaction that at the time he was originally licensed as a psychologist in another state that required, and he satisfied the following requirements for licensure;

(a) A doctoral degree with a major in psychology from a university or professional school that has a program approved by the American Psychological Association or a doctoral degree in psychology from a university or professional school maintaining a standard of training comparable to those universities having programs approved by the American Psychological Association or the doctoral psychology programs of the state universities. For

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the purpose of determining whether an applicant's doctoral degree in psychology was received from a university or professional school maintaining a standard of training comparable to those universities having programs approved by the American Psychological Association the Board will apply the following criteria:

1. Education and training in psychology must have been received in an institution of higher education accredited by one of the regional accrediting bodies recognized by the Council of Postsecondary Accreditation, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.
2. The doctoral program must be publicly identified as a psychology program, and must specify in pertinent institutional catalogs and brochures its intent to education and train psychologists.
3. The Psychology program must stand as a recognizable, coherent organizational entity within the institution.
4. There must be a clear authority and primary responsibility for the academic core and specialty preparation, whether or not the program involves multiple administrative lines.
5. The doctoral program must be an organized, integrated sequence of study designed by the psychology faculty responsible for the program.
6. There must be an identifiable psychology faculty. The program director must be a psychologist.
7. The program must have an identifiable body of students who are matriculated in that program for a doctoral degree.
8. The doctoral program must include supervised practicum and/or laboratory experiences appropriate to practice, teaching, or research in psychology.
9. The doctoral programs shall require a minimum of:
 - (a) the equivalent of three full-time academic years of graduate study.
 - (b) two academic years of the three shall be in full-time residence at the institution from which the doctoral degree is granted.
10. The doctoral programs shall require each student to demonstrate knowledge and use of scientific and professional ethics and standards, research design and methodology statistics, psychological measurement, and history and systems of psychology. Further, the program shall require each student to demonstrate knowledge in the following substantive areas of psychology:
 - (a) biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, psychopharmacology),
 - (b) cognitive-affective bases of behavior (e.g., learning, memory, perception, cognition, thinking, motivation, emotion);
 - (c) social bases of behavior (e.g., social psychology, cultural-ethnic and group processes, sex roles, organizational and systems theory), and
 - (d) individual behavior (e.g., personality theory, human development, individual differences, abnormal psychology, psychology of women, psychology of the handicapped).

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11. For applicants graduating subsequent to July 1, 1984, the program must require participation in a formal one year internship.

(b) At least two years full-time experience which was supervised by a psychologist. One year of the supervised experience must have been received after completion of all requirements for the doctoral degree.

(3) Applicants from a state which provides for licensure of foreign graduates or which provides for licensure pursuant to a "grandfather" clause, shall not be denied licensure by endorsement if the state otherwise meets all the requirements of subsection (2) of this rule. Applicants who have been licensed in an otherwise endorsable state, but who have graduated from a foreign university or who were licensed pursuant to a "grandfather" provision shall not be certified as eligible to be licensed by endorsement.

(4) Prior to licensure each applicant who is certified as eligible for licensure by endorsement shall successfully complete the state examination which is prescribed in subsection (4) of Rule 21U-11.03, F.A.C.

(5) It is the responsibility of the applicant to timely provide the Board with all necessary documentation to support his application.

21U-11.05 Licensure by Exception.

(1) In order to be certified by the Board as eligible for issuance of a psychology license by exception pursuant to Section 490.013(2), Florida Statutes, an applicant must submit both a completed application and the fifty dollar (\$50.00) application fee specified by Rule 21U-12.10, prior to December 31, 1981, and must demonstrate to the Board's satisfaction that he:

(a) Holds a valid certificate to practice psychology issued by the Florida Psychological Association or the Florida Association of Practicing Psychologists; or

(b) Received a doctoral degree from a university or professional school accredited by an accrediting agency approved by the United States Department of Education in a program that is primarily psychological in nature and, subsequent to receiving such degree, has had 5 years' experience, primarily psychological. Two years' experience must be in Florida, and only one year of experience may be predoctoral.

(2) For the purposes of subsection (1)(b) above, the Board defines a program that is primarily psychological in nature as one that requires the successful completion of one course in each of the following areas:

(a) biological bases of behavior, (e.g., physiological psychology, comparative psychology, neuropsychology, psychopharmacology),

(b) cognitive-affective bases of behavior (e.g., learning, memory, perception, cognition, thinking, motivation, emotion).

(c) social bases of behavior (e.g., social psychology, cultural, ethnic, and group processes, sex roles, organizational and systems theory),

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(d) individual behavior (e.g., personality theory, human development, individual differences, abnormal psychology, psychology of women, psychology of the handicapped),

(e) statistics and research methodology, and

(f) methodology for the application of psychological knowledge.

(3) For the purposes of subsection (1)(b) above, the Board defines experience that is primarily psychological to mean rendering to individuals, groups, organizations or the public any service involving the application of principles, methods and procedures of understanding, predicting and influencing behavior. Included are the principles pertaining to learning, perception, motivation, thinking, emotion and interpersonal relationships.

(4) Although an applicant's application for licensure by exception and application fee must be submitted prior to December 31, 1981, an applicant has until March 1, 1982 to submit supporting documentation.

21U-11.06 Certificates for Licensure by Examination.

(1) In order to be certified by the Board as eligible for examination pursuant to Section 490.005(1), Florida Statutes, an applicant must:

(a) Complete the application form and remit the examination fee set by rule of the Board.

(b) Submit proof of the completion of a doctoral degree with a major in psychology from a university or professional school that has a program approved by the American Psychological Association or a doctoral degree in psychology from a university or professional school maintaining a standard of training comparable to those universities having program approved by the American Psychological Association. For the purpose of determining whether an applicant's doctoral degree in psychology was received from a university or professional school maintaining a standard of training comparable to those universities having programs approved by the American Psychological Association the Board will apply the following criteria:

1. Education and training in psychology must have been received in an institution of higher education accredited by one of the regional accrediting bodies recognized by the Council on Postsecondary Accreditation, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.

2. The doctoral program must be publicly identified as a psychology program, and must specify in pertinent institutional catalogs and brochures its intent to education and train psychologists.

3. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

4. There must be a clear authority and primary responsibility for the academic core and speciality preparation, whether or not the program involves multiple administrative lines.

5. The doctoral program must be an organized, integrated sequence of study designed by the psychology faculty responsible for the program.

6. There must be an identifiable psychology faculty. The program director must be a psychologist..

7. The program must have an identifiable body of students who are matriculated in that program for a doctoral degree.

8. The doctoral program must include supervised practicum and/or laboratory experiences appropriate to practice, teaching or research in psychology.

9. The doctoral program shall require a minimum of:

a. The equivalent of three full-time academic years of graduate study;

b. Two academic years of the three shall be in full-time residence at the institution from which the doctoral degree is granted.

10. The doctoral program shall require each student to demonstrate knowledge and use of scientific and professional ethics and standards, research design and methodology, statistics, psychological measurements, and history and systems of psychology. Further, the program shall require each student to demonstrate knowledge in the following substantive areas of psychology:

a. biological bases of behavior (e.g., physiological, psychology, comparative psychology, neuropsychology, psychopharmacology),

b. cognitive-affective bases of behavior (e.g., learning, memory, perception, cognition, thinking, motivation, emotion),

c. social bases of behavior (e.g., social psychology, cultural-ethnic and group processes, sex roles, organization and systems theory), and

d. individual behavior (e.g. personality theory, human development, individual differences, abnormal psychology, psychology of women, psychology of the handicapped).

11. For applicants admitted to a program subsequent to April 5, 1984 the program must require participation in a formal one year internship.

(c) Submit proof of at least 2 years or 4,000 hours full-time experience in the field of psychology in association with or under the supervision of a psychologist meeting the academic and experience requirements of Chapter 490, Florida Statutes. No more than 1 year of pre-doctoral experience may be utilized in satisfying the experience requirement. Post-doctoral experience shall not be deemed to have commenced until all requirements for the doctoral degree have been completed. In order for the Board to consider experience prior to the formal awarding of the degree as post-doctoral, the applicant must provide a written statement from an appropriate administrative official, of the university granting the degree, verifying the date that all requirements for the degree were completed. The experience shall be obtained pursuant to the provisions of Chapter 21U-17, F.A.C.

See
California
Regulation
1386.

(10)

(2) It is the responsibility of the applicant to timely provide the Board with all necessary documentation to support the application.

- 21U-12.01 Collection and Payment of Fees
- 21U-12.02 Application and Examination Fee for Licensure by Examination
- 21U-12.03 Re-examination Fee
- 21U-12.04 Application Fee for Licensure by Endorsement
- 21U-12.05 Biennial Licensing Fee
- 21U-12.06 Reactivation Fee
- 21U-12.07 Inactive Renewal Fee
- 21U-12.10 License by Exception Fee

21U-12.01 Collection and Payment of Fees. All fees shall be made payable to the Department of Professional Regulation.

21U-12.02 Application and Examination Fee for Licensure by Examination. The application and examination fee for a psychology license by examination shall one one hundred ninety dollars (\$190.00).

21U-12.03 Re-examination Fee.

(1) The re-examination fee for the first part of the licensure examination (the written examination developed by the American Association of State Psychology Board) shall be one hundred fifteen dollars (\$115.00).

(2) The re-examination fee for the second part of the licensure examination (the written examination developed by the Department which tests Chapter 490, Florida Statutes, and the rules promulgated thereunder) shall be seventy-five dollars (\$75.00).

21U-12.04 Application Fee for Licensure by Endorsement. The application fee for a psychology license by endorsement shall be one hundred fifty dollars (\$150.00).

21U-12.05 Biennial Licensing Fee. The biennial licensure fee for a psychology license shall be one hundred fifty dollars (\$150.00).

21U-12.06 Reactivation Fee. The fee for reactivation of an inactive license shall be fifty dollars (\$50.00). Such fee shall be in addition to the biennial licensure fee as prescribed in Rule 21U-12.05.

21U-12.07 Inactive Renewal Fee. The fee for renewal of an inactive license shall be fifty dollars (\$50.00).

21U-12.10 License by Exception Fee. In order to receive a license by exception as such is described in Section 490.013(2), Florida Statutes, an applicant must submit an application fee of fifty dollars (\$50.00) on or before June 30, 1982. Upon certification of eligibility for licensure, the application will

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submit a biennial licensure fee of one hundred and fifty dollars (\$150.00).

21U-13.01 Renewal of Active License
21U-13.015 Reactivation of Inactive Licenses
21U-13.016 Renewal of Inactive Licenses
21U-13.04 Continuing Education (repealed)
21U-13.041 Continuing Education

21U-13.01 Renewal of Active License.

(1) The Department of Professional Regulation shall renew an active psychology license upon receipt of the renewal application and the biennial licensure fee of one hundred fifty dollars (\$150.00), as established by Rule 21U-12.05, and upon the Board's certification that the licensee has satisfactorily demonstrated to the Board that the licensee has participated in forty (40) hours of Board approved continuing education, as such is defined in Rule 21U-13.04. Each biennial renewal period shall begin on February 1 of each even numbered year.

(2) To satisfactorily demonstrate completion of continuing education requirements, a licensee must evidence completion of 40 hours of approved continuing education for the 2 year period pending on the July 31st prior to the beginning of the next renewal period.

(3) For renewal on February 1, 1986 a licensee must demonstrate completion of 30 hours of approved continuing education for the period beginning on February 1, 1984, and ending on July 31, 1985.

(4) Licensee renewing a license which had been initially issued in the biennium prior to renewal shall be exempted from participation in continuing education as a condition of renewing that initial license.

21U-13.015 Reactivation of Inactive Licenses. The Department of Professional Regulation shall reactivate an inactive psychology license upon receipt of the reactivation application, the biennial licensure fee as prescribed by Rule 21U-12.05, the reactivation fee as prescribed by Rule 21U-12.06, and upon the Board's certification that the licensee has satisfactorily submitted evidence to the Board of participation in twenty (20) hours of continuing education for each year the licensee held an inactive license and forty (40) hours of continuing education for the previous biennium which the licensee held an active license.

21U-13.016 Renewal of Inactive Licenses. A licensee having an inactive license may renew such license once for an additional four year period upon submission to the Department of Professional Regulation the renewal fee as prescribed in Rule 21U-12.07.

21U-13.04 Continuing Education. Repealed.

21U-13.041 Continuing Education.

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(1) For the purpose of renewing or reactivating a license credit will be approved for programs which are offered by sponsors approved by the American Psychological Association, offered by a provider approved pursuant to Section (5), or which meet the following criteria:

(a) Are graduate level course, seminars, workshops, or post-doctoral institutes which are sufficient duration to present a topic in depth and detail and which are relevant to and focus on psychological practice, theory or method.

(b) Have stated learning objectives;

(c) Are appropriate for licensed psychologists for the purpose of furthering and maintaining psychological skills, attitudes, or knowledge;

(d) Are instructed/presented by a person who has met at least one of the following criteria:

Is a faculty or former faculty member of a graduate level psychology program of an accredited institution;

Has received specialized graduate or post-graduate level training in the subject taught in the program;

Has extensive experience, to include not less than two (2) years of practical application or research, involving the subject taught in the program.

(2) After August 1, 1985, any person or entity who sponsors or provides more than 3 individual programs per renewal period shall be required to be approved as a provider by the American Psychological Association or the Board. Credit will not be awarded for attendance at programs not in compliance with this section.

(3) Continuing education credit will not be approved for home study programs unless offered by a provider approved by the American Psychological Association or the Board.

(4) Continuing education credit will not be received for the following:

(a) Regular work activities as a psychologist

(b) Membership, office in, or participation on boards or committees of professional organizations

(c) Attendance at professional conventions or meetings unless sessions meet the requirements of subsection (1) of this rule;

(d) Independent, unstructured or self-structured learning

(e) Personal Psychotherapy or growth experience

(f) Authorship or editing of books or articles

(g) Obtaining supervision or consultation from another psychologists or other professional

(5) Continuing Education Providers will be approved each continuing education period pursuant to Rule 21U-13.01, F.A.C. who meet to Board's satisfaction the following criteria:

- (a) Provide the Board:
 - 1. A proposed program which meets the criteria of subsection (1) of this rule;
 - 2. A sample program evaluation form;
 - 3. A summary of the organization structure for the administration of continuing education programs;
- (b) Sign and abide by a written agreement to:
 - 1. Provide an identifiable person to be responsible for and present at each presentation of the continuing education programs.
 - 2. Ensure that each program to be presented by the provider is reviewed by a licensed psychologist to ascertain whether the program meets the criteria of subsection (1) of this rule. The reviewing psychologist shall sign a statement approving the program as meeting the criteria of the subsection (1) of this rule, and the provider shall have such signed statement on file prior to presentation of the program.
 - 3. Retain post-session evaluation forms for at least three years;
 - 4. Provide all programs for continuing education credit in accordance with subsection (1);
 - 5. Retain a "sign-in" sheet with the signature of participants for at least three years;
 - 6. Provide each participant with a certificate authorized by the Board verifying that the program has been completed. The certificate shall not be issued until completion of the program and shall contain the provider's name and number, title of program, instructor, date of program, location, and number of hours of continuing education credits;
 - 7. Notify the Board of any significant changes relative to maintenance of standards as set forth in these rules.
- (6) The board retains the right and authority to audit and/or monitor programs given by any provider. The Board may rescind provider status or reject individual programs given by a provider if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the provider failed to conform to and abide by the written agreement and rules of the board.
- (7) One hour of continuing education is defined as no less than fifty (50) uninterrupted minutes of learning in one hour.
- (a) Presentors/moderators of program designed for continuing education may receive credit on a one time basis for programs where they are actually in attendance for the complete program. A maximum of 10 hours of credit per biennium may be received for presenting/moderating a program.
- (b) Twenty (20) hours of continuing education credit will be approved per biennium for successful completion of an examination leading to granting of the diplomate in a specialty area by the American Board of Professional Psychology, the American Board of Forensic Psychology or the American Board of Psychological Hypnosis. These 20 credits may be claimed only during the biennium during which the diplomate is first awarded.

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21U-15.04 Sexual Misconduct in the Practice of Psychology
21U-15.05 Qualifications of Investigators Assigned to Board by
Department

21U-15.03 Probable Cause Determination.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapters 455 or 490, Florida Statutes, or of the rules promulgated pursuant thereto has occurred, shall be made by majority vote of the probable cause panel.

(2) The probable cause panel shall be composed of three (3) members of the Board of Psychological Examiners. Not more than one (1) member of the panel may be a lay member.

(3) The probable cause panel members shall be appointed by the Chairman of the Board for terms of one (1) year and panel members may serve successive terms. The panel shall meet at such times as called by the Chairman of the Board or the Chairman of the panel.

21U-15.04 Sexual Misconduct in the Practice of Psychology.
The psychologist-client relationship is founded on mutual trust. Sexual misconduct in the practice of psychology means violation of the psychologist-client relationship through which the psychologist uses said relationship to induce or attempt to induce the client to engage, or to engage or attempt to engage the client, in sexual activity outside the scope the practice or the scope of generally accepted examination or treatment of the client. Sexual misconduct in the practice of psychology is prohibited.

21U-15.05 Qualifications of Investigators Assigned to Board by Department.

(1) An investigator hired by the Department of Professional Regulation and assigned to work with the Board of Psychological Examiners shall possess the following minimum educational qualifications:

(a) A high school diploma; however, an equivalency diploma issued by a state department of education or by the United States Armed Forces Institute, or a qualifying score on the Department of Administration's Educational Attainment Comparison Test may be substituted for high school graduation; and

(b) Graduation from an accredited four year college or university; however, regulatory inspection experience or sworn law enforcement or investigatiive experience may be substituted on a year-for-year basis for the required college training.

(2) In addition to the minimum educational qualifications of subsections (1)(a) and (b), an investigator assigned to the Board by the Department shall also possess, as a minimum, the following experience:

(a) three years of regulatory inspection experience; or

(b) three years of sworn law enforcement or investigative experience..

(3) An investigator who meet the qualifications of subsections (1) and (2) and is assigned to the Board must undergo a minimum one week orientation period with a Board member or a two week orientation period with an experienced investigator.

- 21U-16.01 Intent
- 21U-16.02 Definitions
- 21U-16.03 Qualifications to Enter an Augmentation Program
- 21U-16.04 Augmentation Program Prerequisite
- 21U-16.05 Required Documentation for Certification

21U-16.01 Intent. It is the intent in this rule chapter to provide a mechanism whereby an applicant, who has graduated from a doctoral program with a major in psychology, which is not fully comparable to the standard of training in an American Psychological Association approved program, may augment education in order to qualify for licensure by examination. Without such mechanism some persons with genuine commitment and dedication in the field of psychology might have no means of attaining licensure in Florida. The Board, recognizing that supplementing education through a piecemeal or self-directed course of study is not acceptable, adopts a formal mechanism provided by this rule chapter as an acceptable method of augmenting education. The intended result is that persons truly interested in attaining a professional level of education in order to become licensed are provided an avenue to do so.

21U-16.02 Definitions.

- (1) "Augmentation Program" means a doctoral training program which meets all the requirements of Rule 21U-11.06 (1)(b), F.A.C., and which elects to train applicants pursuant to the provisions of this chapter.
- (2) "Augmentation Program Director" means the psychologist who directs the augmentation program.
- (3) "Practical Training" means a required part of the doctoral training program, consisting of supervised experience and providing direct psychological services. Such practical training includes, but is not limited to, pre-doctoral internship.

21U-16.03 Qualifications to Enter an Augmentation Program.

- (1) To be eligible to enter an Augmentation Program for the purpose of becoming a licensed psychologist, an applicant must have graduated from a doctoral program which meets the requirements of Rule 21U-11.06, sections (1)(b), 1-7 and 9, F.A.C.
- (2) The applicant must submit to the Board Office a program analysis form, signed by the chairman of the psychology department or the appropriate administrative official of the school from which the doctoral degree was earned, which verifies that the program meets the requirements of Section (1).

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21U-16.04 Augmentation Program Prerequisites. The Augmentation Program shall meet the following criteria:

(1) The Augmentation Program Director must review the applicant's prior course work and practical training and identify all additional course work and practical training which the applicant must complete in order to meet all requirements of the doctoral program in which the augmentation is taking place. The applicant's work shall be reviewed with the same level of care used when evaluating work of the program's matriculated graduate students. The Augmentation Program Director must prepare a written summary of the review and the conclusions reached pursuant to the review.

(2) The Augmentation Program Director must design an individualized course of study and practical training for the applicant which must be successfully completed in order to augment previous education. All course work and practical training required pursuant to the individual's course of study must be successfully completed, including the same demonstration of competence which the program requires of its matriculated doctoral students.

21U-16.05 Required Documentation for Certification. In order to be certified as eligible for examination after completing the Augmentation Program, the applicant must submit the following:

(1) Verification that augmentation was completed in an American Psychological Association approved program or its equivalent.

(2) Certification, on a form provided by the Board office, by the Augmentation Program Director that the applicant has successfully completed all course work and practical training which is prescribed by the Augmentation Program and demonstrated a level of competence which is required of matriculated students receiving a doctoral degree from the program.

21U-17.01 Definitions

21U-17.02 Minimum Standards for Pre-Licensure Experience

21U-17.03 Pre-Licensure Titles

21U-17.04 Supervisor/Associate Responsibility

(1) "Supervision", as used in 490.005(1)(c), Florida Statutes, is defined as a relationship which meets the requirements of Rule 17.02, F.A.C.

(2) "In association with", as used in 490.005(1)(c), Florida Statutes, is defined as a relationship which meets the requirements of Rule 17.12, F.A.C., and in which psychological services are rendered through a legally identifiable entity such as, but not limited to, a partnership or corporation. Both the applicant and the associated psychologist shall be members of the same legal entity. The responsibilities of an associated psychologist to train and oversee the work of the applicant shall be identical to the responsibilities of a supervising psychologist.

(3) For the purposes of this chapter "supervisor/associate" defined as a psychologist who meets the academic and experience requirements of Chapter 490 and who enters into a relationship with an applicant with the intended result that such applicant will meet the experience requirement of Section 490.005(1)(c), Florida Statutes.

(4) For the purposes of this chapter "applicant" is defined as a person who enters into a professional relationship with the intended result of meeting the experience requirement of Section 490.005(1)(c), Florida Statutes.

21U-17.02 Minimum Standards for Pre-Licensure Experiences

(1) The supervisor/associate shall be available in person or by telephone to the applicant.

(2) The applicant and the supervisor/associate must meet face to face for not less than one hour of individual supervision on an average of once a week for 50 weeks per year. Face to face meetings shall not be less frequent than every other week.

(3) If the experience is acquired in an independent private practice setting, then the setting shall have a psychologist as a member of the group actually rendering psychological services on the premises.

(4) The supervisor/associate shall be professionally responsible for the work of the applicant. The supervisor/associate shall be continually informed of all professional services of the applicant.

(5) In the event of disagreement between the applicant and the supervisor/associate, the decision of the supervisor/associate shall prevail in all professional matters. All professional reports and documents prepared by the applicant shall be countersigned by the supervisor/associate.

(6) At the conclusion of the experience the supervisor/associate shall submit a written report to the Board regarding the experience of the applicant. The report shall include a statement that the requirements of this rule have been followed, the number of hours of face to face supervision, and an evaluation of the applicant's progress.

21U-17.03 Pre-Licensure Titles

(1) An applicant acquiring pre-doctoral experience in the State of Florida shall be known by the title "Psychological Intern" or "Psychological Trainee".

(2) An applicant acquiring post-doctoral experience in Florida shall be known by the title "Psychological Resident".

(3) A "psychological Intern", "Psychological Trainee", and "Psychological Resident" shall inform each client at the time of initiating services of the nature and requirements of supervised status and of the name and affiliation of the supervisor/associate.

(4) All promotional materials, including cards, brochures, stationary advertisements, signs, etc., naming the applicant shall also bear the name and affiliation of the supervisor/associate.

21U-17.04 Supervisor/Associate Responsibility. Failure of the supervisor/associate to follow the requirements of this rule is a violation subject to disciplinary action by the Board.

21U-18.01 Return of Certificates or Licenses

21U-18.02 Time for Payment of Civil Penalties.

21U-18.01 Return of Certificates of Licenses. Any certificate or license issued by the Department of Professional Regulation which is subsequently suspended or revoked by the Board shall be returned to the Department's administration offices, within 30 days of filing of the Final Order with the Clerk of the Department of Professional Regulation.

21U-18.02 Time for Payment of Civil Penalties. In cases where the Board has imposed a civil penalty for violation of Chapter 455 or 490, Florida Statutes, or the rules promulgated thereunder, the penalty shall be paid within 30 days of the filing of the Order with the Clerk of the Department of Professional Regulation.

*Please see page 3
and page 21*

STATE OF MISSOURI PSYCHOLOGY PRACTICE ACT

Missouri Statutes,
Rules and Regulations
Chapter 337 — Psychologists



April, 1984

Issued by
Missouri State Committee of Psychologists
P.O. Box 4
Jefferson City, Missouri 65102

Chapter 337

PSYCHOLOGISTS

Section

- 337.010. Definitions.
- 337.015. Practice of psychology regulated — practice of psychology defined.
- 337.020. License, application, qualifications, fees.
- 337.025. Department to determine applicant's professional experience.
- 337.030. License required, fee — late registration penalty — lost certificate, how replaced — fees, amount, how set.
- 337.035. Denial, revocation, or suspension of license, grounds for.
- 337.040. Exemption for social psychologists.
- 337.045. Exempted professions and occupations — temporary practice authorized.
- 337.050. State committee of psychologists created — qualifications — removal of members — rules, suspension and reinstatement.
- 337.055. Privileged communications, when.
- 337.060. Licensed psychologists not to practice medicine.
- 337.065. Violations, penalty — department may sue in own name.
- 337.070. Local governments prohibited from taxing or licensing psychologists.
- 337.085. Fees, collection, disposition, use.

CROSS REFERENCE

Board appointments, discrimination prohibited, RSMo 620.120.

Rules and regulations, occupations and professions, suspension and reinstatement procedure, RSMo 620.010.

337.010. Definitions.—1. As used in sections 337.010 to 337.070 the following terms mean:

- (1) "Board", the Missouri board of healing arts;
- (2) "Department", the department of consumer affairs, regulation and licensing;
- (3) "Recognized educational institution", a school, college, university or other institution of higher learning,

Exhibit F1

which has a graduate program in psychology and which is accredited by one of the regional accrediting associations approved by the Council on Postsecondary Accreditation.

(L. 1977 H.B. 255 § 1. A.L. 1981 S.B. 16)

337.015. Practice of psychology regulated — practice of psychology defined.—1. No person shall represent himself as a psychologist or practice as a psychologist in the state of Missouri unless he is validly licensed and registered under the provisions of this chapter.

2. A person represents himself as a "psychologist" within the meaning of this chapter when he holds himself out to the public by any title or description of services incorporating the words "psychology", "psychological", or "psychologist", and offers to render or renders services as defined below to individuals, groups, organizations, or the public for a fee, monetary or otherwise.

3. The "practice of psychology" within the meaning of this chapter is defined as rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, behavior, modification, and psychotherapy; of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation; and of assessing public opinion.

4. The application of these principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and mental disturbances of individuals and groups; hypnosis; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work and learning situations; advertising and market research; and the resolution of interpersonal and social conflicts.

(L. 1977 H.B. 255 § 2. A.L. 1981 S.B. 16)

337.020. License, application, qualifications, fees.—1. Each person desiring to obtain a license as a psychologist shall make application to the department upon such forms and in such manner as may be prescribed by the department and shall pay the required application fee. The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its

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representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

2. Each applicant shall submit evidence satisfactory to the department that he is at least twenty-one years of age, is of good moral character, has had at least one year of satisfactory supervised professional experience in the general field of psychology, as defined by rule, and that he either

(a) Has received a doctoral degree, based on a program of studies from a recognized educational institution the contents of which were primarily psychological, as defined by rule; or

(b) Has received from a recognized educational institution a master's degree, based on a program of studies the contents of which were primarily psychological, as defined by rule, and who has in addition had three years of satisfactory, as defined by rule, professional experience; or

(c) Is currently licensed or certified as a psychologist by another state wherein the requirements for licensing or certification are substantially equal to those in force in this state at the time application for such licensing is filed.

3. The department shall license and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of this section, passes the examination offered by the department, except that an applicant fulfilling the requirement of subdivision (c) of subsection 2 of this section shall be licensed without examination. Written examinations under sections 337.010 to 337.070 shall be administered by the department twice each year to those applicants who meet the other requirements for licensure. The department shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, and professional affairs and ethics.

4. If an applicant fails his examination, he shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

5. The provisions of this chapter shall not apply to hypnotherapists.

(L. 1977 H.B. 255 § 3, A.L. 1981 S.B. 16)

337.025. Department to determine applicant's professional experience.—In determining the acceptability of the applicant's professional experience, the department may require the evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence to the department in the manner required by the department.

(L. 1977 H.B. 255 § 4)

337.030. License required, fee — late registration penalty — lost certificate, how replaced — fees, amount, how set.—1. Each psychologist licensed under the provisions of this chapter, who has not filed with the department a verified statement that he has retired from or terminated his practice of psychology in this state, shall register with the department on or before the registration renewal date. The department shall require a registration fee which shall be submitted together with the information required for such registration. Upon receipt of the required information and of the registration fee, the department shall issue a certificate of registration. The department shall, when licensing any applicant under the provisions of section 337.020, grant him, without payment of any further fee, a certificate of registration valid until the next registration renewal date.

2. Failure to provide the department with the information required for registration, or to pay the registration fee, shall after notification effect a revocation of the license after a period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration renewal date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the board, upon payment of a reasonable fee.

4. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

(L. 1977 H.B. 255 § 5, A.L. 1981 S.B. 16)

337.035. Denial, revocation, or suspension of

license, grounds for.—1. The department may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 161, RSMo.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 161, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in "Ethical Standards for Psychologists" as adopted by the department and filed with the secretary of state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 161, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke, the license, certificate, or permit.

(L. 1977 H.B. 255 § 6, A.L. 1981 S.B. 16)

337.040. Exemption for social psychologists.—Nothing in sections 337.010 to 337.070 is to be construed as restricting the use of the term "social psy-

chologist" by any person who has been graduated with a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by recognized educational institutions and who has passed a comprehensive examination in the field of social psychology as a part of the requirement for the doctoral degree, or has had equivalent specialized training in social psychology, and has filed with the department a statement of facts demonstrating his compliance hereunder.

(L. 1977 H. R. 255 § 7)

337.045. Exempted professions and occupations — temporary practice authorized.—Nothing in this chapter shall in any way limit:

(1) Qualified members of other professional groups such as teachers, school psychological examiners and counselors in public or private schools, clergymen, practitioners of medicine, practitioners of chiropractic, practitioners of optometry, attorneys, social workers, vocational counselors, vocational rehabilitation counselors, nurses, or duly accredited Christian Science practitioners from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions; except as provided in this subsection, they shall not hold themselves out to the public by any title or description incorporating the words "psychological", "psychologist", or "psychology"; or

(2) The activities, services, or use of official title on the part of any person in the employ of a governmental agency, or of a duly chartered educational institution, or of a corporation primarily engaged in research, insofar as such activities or services are part of the duties of his employment; or

(3) The activities or services of a student or trainee in psychology whose activities constitute a part of his supervised course of study; provided, however, that he is designated by a title clearly indicating training status; or

(4) The use of psychological techniques by government institutions, commercial organizations or individuals for employment, evaluation, promotion or job adjustment of their own employees or employee-applicants, or by employment agencies for evaluation of their own clients prior to recommendation for

employment; provided that no government institution commercial organization or individual shall sell or offer these services to the public or to other firms organizations or individuals for remuneration, unless the services are performed or supervised by a person licensed and registered under this chapter; or

(5) The practice of psychology in the state of Missouri for a temporary period as hereinafter provided by a person who resides outside the state of Missouri, and who practices as a psychologist and conducts the major part of his practice outside the state. The temporary period shall not exceed ten consecutive business days in any period of ninety days, nor in the aggregate exceed fifteen business days in any nine-month period.

(L. 1977 H.B. 255 § 8, A.L. 1981 S.B. 16)

337.050. State committee of psychologists created — qualifications — removal of members — rules, suspension and reinstatement.—1. There is created and established, as an adjunct to the board, the "State Committee of Psychologists", which shall consist of five psychologists and one voting public member and who shall be appointed by the director of the department, and which shall, in collaboration with the board, guide, advise and make recommendations to the department. Committee members shall serve for a term of five years. No person shall be eligible for appointment to the committee of psychologists who has served as a member of the committee for a total of ten years.

2. Each committee member, other than the public member, shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall meet all the requirements for licensing enumerated in section 337.020 and shall be licensed under this chapter. To insure adequate representation of the diverse fields of psychology, the committee shall have at least two members who are primarily engaged in teaching, training, or research in psychology, one of whom is employed on a full-time basis in a teaching position at a recognized college or university, and at least two members who are primarily engaged in rendering service in psychology for at least five years prior to appointment, one of whom is engaged at least eighty percent of the time in the private practice of counseling or psychotherapy. If a member of the committee shall, during his term as a committee member, remove his

domicile from the state of Missouri, then the committee shall immediately notify the director of the department, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment of the director of the department, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant. The public member shall be at the time of his appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated under this chapter. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

3. The committee shall hold a regular annual meeting at which it shall select from among its members a chairman and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairman, the secretary shall conduct the office of the chairman.

4. No member of the committee shall receive any compensation for the performance of his official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of his duties. All staff for the committee shall be provided by the director of the department of consumer affairs, regulation and licensing, through the director of the division of professional registration.

5. The department may adopt and promulgate rules governing the conduct of the committee members, setting forth limits of reimbursement of its members, as set forth in subsection 4 of this section, and such other rules, in accordance with law, as shall be reasonable and proper in enabling the committee to function and carry out the purposes of this chapter. All such rules shall be promulgated and published in the manner provided in chapter 536, RSMo.

6. The director of the department may remove any member of the committee for misconduct, inefficiency, incompetency, or neglect of office.

7. Any rule or portion of a rule promulgated pursuant to this section may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor.

(L. 1977 H.B. 255 § 9, A.L. 1981 S.B. 200 & S.B. 16)

337.055. Privileged communications, when.—Any communication made by any person to a licensed psychologist in the course of professional services rendered by the licensed psychologist shall be deemed a privileged communication and the licensed psychologist shall not be examined or be made to testify to any privileged communication without the prior consent of the person who received his professional services.

(L. 1977 H.B. 255 § 10)

337.060. Licensed psychologists not to practice medicine.—Nothing in this chapter shall be construed as authorizing persons licensed and registered as psychologists to engage in any manner in the practice of medicine as defined in the laws of this state.

(L. 1977 H.B. 255 § 11, A.L. 1981 S.B. 16)

337.065. Violations, penalty—department may sue in own name.—1. Any person found guilty of violating any provision of this chapter is guilty of a class A misdemeanor and upon conviction thereof shall be punished as provided by law.

2. The department may sue in its own name in any court in this state.

(L. 1977 H.B. 255 § 12, A.L. 1981 S.B. 16)

337.070. Local governments prohibited from taxing or licensing psychologists.—No person who has been licensed by the department as a psychologist in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession.

(L. 1977 H.B. 255 § 13)

337.085. Fees, collection, disposition, use.—All moneys payable under this chapter shall be collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Board of Registration for the Healing Arts Fund". All costs and expenses incurred in administering this chapter shall be appropriated and paid from this fund.

(L. 1981 S.B. 16)

**Title 4—DEPARTMENT OF
CONSUMER AFFAIRS, REGULATION
AND LICENSING**

**Division 235—State Committee of Psychologists
Chapter 1—General Rules**

4 CSR 235-1.010 State Committee of Psychologists

PURPOSE: The purpose of this rule is to comply with section 337.050, RSMo (Supp. 1981) which permits the department to adopt and promulgate rules governing the conduct of the state committee of psychologists.

(1) The five (5) members of the State Committee of Psychologists who are initially appointed shall meet within sixty (60) days of the appointment of the fifth member and at such first meeting shall select the chairman and the secretary of the committee. Thereafter, the committee shall meet at the call of the chairman or by a notice signed by not less than three (3) members of the committee. The committee shall meet at least once during each calendar year and as frequently as the business of the committee requires. The committee shall, with the assistance of the State Board of Registration for the Healing Arts and its staff, provide all application forms and maintain all records contemplated by House Bill 255 of the Seventy-Ninth General Assembly and shall make regular reports to the board concerning the fulfillment of its functions and duties. The committee shall screen all applicants for licensure as psychologists and report to the director of the department,

through the board, concerning the qualifications of all applicants.

Auth: section 337.050, RSMo (Supp. 1981). Emergency rule filed Oct. 4, 1977, effective Oct. 14, 1977, expired Feb. 11, 1978. Original rule filed Oct. 4, 1977, effective Feb. 11, 1978.

4 CSR 235-1.020 Fees

PURPOSE: This rule establishes and fixes the various fees and charges authorized by chapter 337, RSMo (Supp. 1981).

(1) The following fees hereby are established by the State Committee of Psychologists:

(A) Application Fee	\$125.00;
(B) Reciprocity Fee	\$125.00;
(C) Annual Renewal Fee	\$ 65.00;
(and)	
(D) Late Renewal Fee	(\$ 20.00)
1. 60 days to 6 months	\$ 20.00;
2. 6 months to 1 year	\$ 85.00;
3. 1 year to 2 years	\$150.00;
(E) Endorsement Fee	\$ 25.00;
(F) Duplicate Wall-Hanging	
License Fee	\$ 10.00;
and	
(G) Upgrade Wall-Hanging License	\$ 30.00.

(2) All Fees are non-refundable.

(3) The provisions of this rule hereby are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction, or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

Auth: 337.030.4 RSMo (Supp. 1981). Emergency rule filed Dec. 9, 1981, effective Jan. 11, 1982, expired April 4, 1982. Original rule filed Dec. 9, 1981, effective April 14, 1982. Amended: Filed Aug. 12, 1983, effective Dec. 11, 1983.

4 CSR 235-1.030 Licensure by Examination

PURPOSE: This rule outlines and standardizes the procedures followed by the committee in

receiving and considering information relative to an applicant's qualifications for licensure by examination.

(1) Applications for licensure by examination must be made on the forms provided by the State Committee of Psychologists. Application forms may be obtained by writing the State Committee of Psychologists, P.O. Box 4, Jefferson City, MO 65102.

(2) Applications and all other documents required by the committee must be received at least sixty (60) days before the examination. Applications received or completed less than sixty (60) days before the next scheduled examination will not be considered for the following examination.

(3) Following the committee's review, the applicant will be informed by letter either - a) that his application for examination has been approved, or b) that it has been rejected. Any rejection letter will outline, with as much specificity as practicable, the reasons for rejection.

(4) Twice each year at Jefferson City, the committee will conduct examinations of qualified applicants for licensure as a psychologist. The time and location of each examination will be determined by the committee and may be obtained by contacting the executive secretary. Examinations will be conducted and supervised by the executive secretary, or his designees, under the supervision of the State Committee of Psychologists.

(5) An applicant will be deemed to have passed the examination if his score is equal to or greater than the national mean score for that examination as computed by the testing service. For purposes of computing an applicant's score, the standard error of the mean shall not be considered.

(6) Applicants will be informed by letter of the results of the examination. Any applicant who fails the examination will be permitted to sit for the next examination upon payment of the re-examination fee; provided, however, that no applicant will be permitted to take the examination more than three (3) times.

Auth: section 337.050.5, RSMo (Supp. 1981). Emergency rule filed Jan. 22, 1982, effective Feb. 1, 1982, expired June 1, 1982. Original rule filed Jan. 22, 1982, effective May 13, 1982.

4 CSR 235-1.040 Public Complaint Handling and Disposition Procedure

PURPOSE: To establish a procedure for the receipt, handling, and disposition of public complaints pursuant to the mandate of section 620.010.16(6), RSMo (Supp. 1981).

(1) The State Committee of Psychologists will receive and process each complaint made against any licensee, registrant of the committee, or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of chapter 337, RSMo. Any member of the public or the profession, or any federal, state, or local official, may make and file a complaint with the committee. Complaints will be received from sources both within and without the state of Missouri and processed in the same manner as those originating within Missouri. No member of the State Committee of Psychologists may file a complaint with this committee while holding that office, unless that member is excused from further committee deliberation or activity concerning the matters alleged within that complaint. The executive secretary or any committee staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: State Committee of Psychologists, 3523 North Ten Mile Drive, P.O. Box 4, Jefferson City, MO 65102. However, actual receipt of the complaint by the committee at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Oral or telephone communications will not be considered or processed as complaints, but the person making such communications will be asked to supplement those communications with a written statement.

(4) Each complaint received under this rule will be logged in a book maintained by the committee for that purpose. The log book will contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the committee or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log book shall be a closed record of the committee.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the committee's authority to file a complaint with the Administrative Hearing Commission charging a licensee or registrant of the committee with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the committee, and whether or not any public complaint has been filed with the committee.

(7) The committee interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the committee. This rule is not deemed to protect, or inure to the benefit of, those licensees, registrants, or other persons against whom the committee has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of chapter 337, RSMo.

Auth: sections 337.050.5 and 020.010.16(6), RSMo (Supp. 1981). Original rule filed Feb. 10, 1982, effective May 13, 1982.

4 CSR 235-1.050 Renewal of License

PURPOSE: This rule establishes the obligation of licensees for renewal of their licenses.

(1) Failure of a licensee to receive the notice and

application to renew his license shall not excuse him from the requirement of section 337.030, RSMo to renew his license.

(2) Any licensee who fails to renew his license within the sixty (60)-day period set forth in section 337.030.2, RSMo shall not perform any act for which a license is required.

Auth: section 337.050 RSMo (Supp. 1982). Original rule filed Aug. 11, 1983, effective Dec. 11, 1983.

4 CSR 235-1.060 Notification of Change of Address

PURPOSE: This rule establishes the obligation of licensees to inform the State Committee of Psychologists of their changes of address.

All licensees must inform the State Committee of Psychologists of all changes in the mailing address as it appears on the licensees' licenses by sending a letter to the committee's office in Jefferson City, Missouri, within thirty (30) days of the effective date of the change.

Auth: section 337.050 RSMo (Supp. 1982). Original rule filed Aug. 11, 1983, effective Dec. 11, 1983.

Chapter 2—Professional Experience

4 CSR 235-2.010 Supervised Professional Experience

(Rescinded Dec. 11, 1983)

4 CSR 235-2.020 Supervised Professional Experience

PURPOSE: The purpose of this rule is to define the one year of "supervised professional experience" required of all applicants under section 337.020.2, RSMo.

(1) All applicants for licensure as a psychologist by examination, whether applying on the basis of a master's degree or a doctorate degree, must have had at least one (1) year of satisfactory supervised professional experience in the general field of psychology

as defined in this rule, and must demonstrate compliance with this rule on the attestation forms provided by the committee. Attestation forms may be obtained by writing the committee's executive secretary at P.O. Box 4, Jefferson City, MO 65102.

(2) As applied to periods of supervised professional experience commencing before January 1, 1984, the phrase "satisfactory supervised professional experience in the general field of psychology" as used in section 337.020.2, RSMo, mean: post-degree training or practice of psychology in an organized health service training program or its psychological equivalent under the supervision of a licensed psychologist who is not a relative of the trainee. Professional experience which was gained by an applicant before September 28, 1977, will be deemed acceptable if such experience was supervised by a person, not a relative of the trainee, who would have been eligible for licensure at the time the supervision occurred. The psychological activities of the applicant shall be performed pursuant to the supervisor's order, control, and full professional responsibility. Reports prepared by the applicant during the period of the supervised professional experience should be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and shall meet with individual supervision. Group supervision is not acceptable for supervised professional experience under this regulation. The supervisor must certify to the department that the applicant has complied with these requirements for supervised professional experience.

(3) As applied to periods of supervision commencing on or After January 1, 1984, the phrase "satisfactory supervised professional experience in the general field of psychology" as used in section 337.020.2, RSMo shall mean post-degree training or practice of psychology obtained under the supervision of a licensed psychologist who is not a relative of the trainee. This one (1) year of supervised professional experience must be acquired in an organized health service training program, however, an applicant may obtain, with prior approval by the committee, this experience in a setting other than an organized health service training program. If the applicant desires this special approval, he

shall have his supervisor submit a written detailed description of the proposed program of supervised professional experience. The psychological activities of the applicant must be performed pursuant to the supervisor's order, control, and full professional responsibility. Reports prepared by the applicant during the period of the supervised professional experience must be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and must meet with the applicant a minimum of one (1) hour per week in face to face individual supervision. Group supervision is not acceptable for supervised professional experience under this regulation. The supervisor must certify to the department that the applicant has complied with these requirements for supervised professional experience.

(4) Acceptable supervision occurs only when the supervisor and the applicant are both employed by or affiliated with the same professional setting.

(5) For purposes of this rule, the term "relative of the trainee" shall mean a spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, or uncle of the trainee, or one who has a present relationship to the trainee as step-parent or step-child.

(6) For purposes of this rule, the phrase "person, not a relative of the trainee, who would have been eligible for licensing at the time the supervision occurred" shall mean a person—

(A) Who was not a relative of the trainee as defined in section (5) of this rule at the time the supervision took place;

(B) Who, at the time supervision took place, could have satisfied the present educational requirements of section 337.020, RSMo; and

(C) Who, at the time the supervision took place, could have satisfied the experience requirements of section 337.020, RSMo and of this rule, except for the requirement of having himself had a licensable supervisor.

(7) The committee will review proposed supervised professional experience to determine if it would be acceptable under this rule if such a request is submitted at least sixty (60) days before it is scheduled to

begin. Proposals should outline with as much specificity as possible the nature of the psychological duties to be performed by the applicant and the nature of the supervision.

(8) Minimum satisfactory professional experience is thirty (30) hours per week.

Auth: sections 334.125, RSMo(Supp. 1982) and 337.045.5, RSMo(Supp. 1982)
Original rule filed Aug. 11, 1983, effective Dec. 11, 1983.

4 CSR 235-2.030 Master's Level Satisfactory Professional Experience

PURPOSE: The purpose of this rule is to define the two years of "satisfactory professional experience" required of master's level applicants in section 337.020.2(b), RSMo.

(1) All applicants for licensure as a psychologist by examination on the basis of a master's degree (in addition to the one (1) year of satisfactory supervised professional experience in the general field of psychology as outlined in 4 CSR 235-2.020) must have had two (2) additional years of satisfactory supervised professional experience as defined in this rule. Each applicant must demonstrate compliance with this rule on the forms provided by the committee. Attestation forms may be obtained by writing the committee's executive secretary, P.O. Box 4, Jefferson City, MO 65102.

(2) The phrase "satisfactory professional experience" as used in section 337.020.2(b), RSMo means post-master's degree training or practice of psychology obtained in an organized health training program; however, an applicant may obtain, with prior approval by the committee, this experience in a setting other than an organized health service training program. If the applicant desires this special approval, he shall have his supervisor submit a written detailed description of the proposed program of supervised professional experience. The psychological activities of the applicant must be performed pursuant to the supervisor's order, control, and full professional responsibility. Professional reports prepared by the applicant

during the period of the professional experience must be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and must meet with the applicant a minimum of one (1) hour per week in face-to-face individual supervision. Group supervision is not acceptable under this regulation. The supervisor must certify to the department that the applicant has complied with these requirements for satisfactory professional experience.

(3) For purposes of this rule, the term "relative of the trainee" shall mean a spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, or uncle of the trainee, or one who has a present relationship to the trainee as step-parent or step-child.

(4) Acceptable supervision occurs only when the supervisor and the applicant are both employed by or affiliated with the same professional setting.

(5) The committee will review proposed satisfactory professional experience to determine if it would be acceptable under this rule if such a request is submitted at least sixty (60) days before it is scheduled to begin. The applicant shall have his supervisor provide to the committee a written proposal outlining with as much specificity as possible the nature of the psychological duties to be performed by the applicant and the nature of the supervision.

(6) For purposes of this rule, the phrase "person, not a relative of the trainee, who would have been eligible for licensing at the time the supervision occurred" shall mean a person—

(A) Who was not a relative of the trainee as defined in section (3) of this rule at the time the supervision took place;

(B) Who, at the time supervision took place, could have satisfied, the present educational requirements of section 337.030, RSMo; and

(C) Who, at the time the supervision took place, could have satisfied the experience requirements of section 337.020, RSMo and of this rule, except for the requirement of having himself had a licensable supervisor.

(7) Minimum satisfactory professional experience is thirty (30) hours per week.

Chapter 3—Educational Requirements

4 CSR 235-3.010 Educational Requirements (Rescinded Oct. 11, 1979)

4 CSR 235-3.011 Graduate Degree Program Requirements

PURPOSE: The purpose of this rule is to interpret the provision of section 337.020, RSMo (1978) that the graduate degree of an applicant for licensure as a psychologist must be based upon "a program of studies whose content was primarily psychological."

(1) The phrase "a program of studies whose content was primarily psychological" as used in section 337.020, RSMo (1978) is interpreted to mean an integrated, organized sequence of study, the purpose of which is to educate and train people to be professional psychologists. An applicant for licensure as a psychologist, possessing either a doctorate or a master's degree, will be deemed to have met the educational requirements of chapter 337, RSMo (1978) if the degree program was designed to train the applicant to discharge the responsibilities of the practice of psychology as defined in section 337.015, RSMo (1978). The applicant's educational program shall include core course work in the basic areas of psychology, and course work and training in preparation for the professional practice of psychology, as defined in sections 337.015.3 and 337.015.4, RSMo (1978). Core course work in psychology shall include graduate course work in the following areas: the biological bases of behavior, such as sensation and perception; the cognitive-affective bases of behavior, such as learning, thinking, motivation and emotion; the social bases of behavior, such as the psychology of interpersonal relationships, group processes, and organizational and systems theory; individual differences, such as personality theory, human development, and abnormal psychology; and the scientific methods and procedures of understanding, predicting and influencing human behavior, such as statistics, experimental design and psychometrics.

An appropriate program of study also shall include graduate course work and supervised practical training in rendering services to individuals, groups and organizations in preparation for the professional practice of psychology as defined in sections 337.015.2 and 337.015.4, RSMo (1978). The applicant shall provide official transcripts and any other supporting evidence necessary to document the fact that these educational requirements have been met. The applicant has the burden of demonstrating that his academic course work and training constituted a program of study whose content was primarily psychological. A final determination of whether the program of study which formed the basis of the applicant's degree was "primarily psychological" is within the discretion of the department.

Auth: section 337.050.5, RSMo (1978). Original rule filed Jan. 14, 1981, effective June 11, 1981.

Chapter 4—Licensure Without Examination

4 CSR 235-4.010 Requirement for Licensure Without Examination

PURPOSE: The purpose of this rule is to comply with section 337.020 RSMo (Supp. 1977) which requires this department to license, as a psychologist any applicant who fulfills certain requirements without examination.

(1) Any person who on or prior to March 28, 1978 files with the department evidence satisfactory to the department that for at least two years preceding his application he has been a resident of or principally employed in the state of Missouri and has been engaged in the active profession of subsections 1 and 2 of section 337.020 RSMo (Supp. 1977) by means of such evidence as is required by 4 CSR 150-5.010 and 5.020 shall be licensed and registered as a psychologist without an examination.

Auth: section 337.020 RSMo (Supp. 1977). Emergency rule filed Oct. 4, 1977, effective Oct. 14, 1977, expired Feb. 11, 1978. Original rule filed Oct. 4, 1977, effective Feb. 11, 1978.

4 CSR 235-4.020 Reciprocal Licensing

PURPOSE: The purpose of this rule is to interpret and clarify the language of section 337.020.2(c) RSMo (Supp. 1977) which demonstrates the legislative desire to license without examination, as psychologists, those applicants licensed in another state.

(1) In order to be licensed as a psychologist in the State of Missouri by reciprocity an applicant shall:

(A) pay to the department a non-refundable fee of one hundred twenty-five dollars; and

(B) be twenty-one years of age; and

(C) be of good moral character; and

(D) be licensed or certified as a psychologist by another state or territory of the United States or the District of Columbia that, in the opinion of the department, has licensing or certification requirements substantially equal to the requirements for licensure as a psychologist in the State of Missouri at the time the application for licensing is filed; and

(E) be licensed or certified as a psychologist in a state or territory of the United States or the District of Columbia that extends like privileges for reciprocal licensing or certification to persons licensed by this state with similar qualifications.

Auth: section 337.050 RSMo (Supp. 1977). Original rule filed Sept. 5, 1978, effective Dec. 11, 1978.

Chapter 5—Ethical Standards

4 CSR 235-5.010 Ethical Standards for Psychologists

(Rescinded Dec. 11, 1983)

4 CSR 235-5.020 Ethical Standards for Psychologists

PURPOSE: The purpose of this rule is to comply with section 337.035, RSMo which requires the

department to adopt and publish ethical standards for psychologists.

(1) The department hereby adopts and publishes the following "Ethical Standards for Psychologists."

(2) Responsibility: In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and make every effort to ensure that their services are used appropriately.

(A) As scientists, psychologists accept responsibility for the selection of their research topics and the methods used in investigation, analysis, and reporting. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic, or other social groups. In publishing reports of their work, they never suppress disconfirming data, and they acknowledge the existence of alternative hypotheses and explanations of their findings. Psychologists take credit only for work they have actually done.

(B) Psychologists clarify in advance with all appropriate persons and agencies the expectations for sharing and utilizing research data. They avoid relationships that may limit their objectivity or create a conflict of interest. Interference with the milieu in which data are collected is kept to a minimum.

(C) Psychologists have the responsibility to attempt to prevent distortion, misuse, or suppression of psychological findings by the institution or agency of which they are employees.

(D) As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

(E) As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully, and accurately.

(F) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the

lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

(3) Competence: The maintenance of high standards of competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They only provide services and only use techniques for which they are qualified by training and experience. In those areas in which recognized standards do not yet exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

(A) Psychologists accurately represent their competence, education, training, and experience. They claim as evidence of educational qualifications only those degrees obtained from institutions acceptable under the bylaws and rules of council of the American Psychological Association.

(B) As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current, and scholarly.

(C) Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time.

(D) Psychologists recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. When necessary, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

(E) Psychologists responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems, and test research.

(F) Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their

personal problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities.

(4) **Moral and Legal Standards:** Psychologists' moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

(A) As teachers, psychologists are aware of the fact that their personal values may affect the selection and presentation of instructional materials. When dealing with topics that may give offense, they recognize and respect the diverse attitudes that students may have toward such materials.

(B) As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual preference, religion, or national origin in hiring, promotion, or training.

(C) In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

(D) As practitioners and researchers, psychologists act in accord with these standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. When federal, state, provincial, organizational, or institutional laws, regulations, or practices are in conflict with these standards and guidelines, psychologists make known their commitment to association standards and guidelines

and, where ever possible, work toward a resolution of the conflict. Both practitioners and researchers are concerned with the development of such legal and quasi-legal regulations as best serve the public interest, and they work toward changing existing regulations that are not beneficial to the public interest.

(5) **Public Statements:** Public statements, announcements of services, advertising, and promotional activities of psychologists serve the purpose of helping the public make informed judgements and choices. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

(A) When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type, and level of certification or licensure, diplomate status, APA membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of these ethical principles.

(B) In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner that falsely implies sponsorship or certification by that organization. In particular and for example, psychologists who are members of the American Psychological Association do not state such membership or fellow status in a way to suggest that such status implies specialized professional competence or qualifications. Public statements include, but are not limited to, communication by means of peri-

odical, book, list, directory, television, radio, or motion picture. They do not contain—

1. A false, fraudulent, misleading, deceptive, or unfair statement;

2. A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

3. A testimonial from a patient regarding the quality of a psychologist's services or products;

4. A statement intended or likely to create false or unjustified expectations of favorable results;

5. A statement implying unusual, unique, or one (1)-of-a-kind abilities;

6. A statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;

7. A statement concerning the comparative desirability of offered services; or

8. A statement of direct solicitation of individual clients.

(C) Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is pre-recorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(D) Announcements or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

(E) Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

(F) Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of

proprietary or single-source products or services when that participation is based solely upon their identification as psychologists.

(G) Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgements, opinions, and choices.

(H) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluation progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

(I) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(J) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

(K) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgement.

(L) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship.

(6) Confidentiality: Psychologists have a primary obligation to respect the confidentiality of information obtained from persons in the course of their work as psychologists. They reveal such information to others only with the consent of the person or the person's legal representative, except in those unusual circumstances in which not to do so would result in clear danger to the person or to others. Where appropriate, psychologists inform their clients of the legal limits of confidentiality.

(A) Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others is discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports present only data germane to the purposes of the evaluation, and every effort is made to avoid undue invasion of privacy.

(B) Psychologists who present personal information obtained during the course of professional work in writings, lectures, or other public forums either obtain adequate prior consent to do so or adequately disguise all identifying information.

(C) Psychologists make provisions for maintaining confidentiality in the storage and disposal of records.

(D) When working with minors or other persons who are unable to give voluntary, informed consent, psychologists take special care to protect these persons' best interests.

(7) Welfare of the Consumer: Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When conflicts of interest arise between clients and psychologists' employing institutions, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational, or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

(A) Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every

effort to avoid dual relationships that could impair their professional judgement or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students supervisees, close friends, or relatives. Sexual intimacies with clients are unethical.

(B) When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

(C) Where the demands of an organization require psychologists to violate these ethical principles, psychologists clarify the nature of the conflict between the demands and these principles. They inform all parties of psychologists' ethical responsibilities and take appropriate action.

(D) Psychologists make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients. They neither give nor receive any remuneration for referring clients for professional services. They contribute a portion of their services to work for which they receive little or no financial return.

(E) Psychologists terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. They offer to help the consumer locate alternative sources of assistance.

(8) Professional Relationships: Psychologists act with due regard for the needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

(A) Psychologists understand the areas of competence of related professions. They make full use of all the professional, technical, and administrative resources that serve the best interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists of the responsibility of securing for their clients the best possible professional service, nor does it relieve them of the obligation to exercise foresight, diligence, and tact in obtaining the complementary or alternative assistance needed by clients.

(B) Psychologists know and take into account the traditions and practices of other professional groups with whom they work and cooperate fully with such groups. If a person is receiving similar services from another professional, psychologists do not offer their own services directly to such a person. If a psychologist is contacted by a person who is already receiving similar services from another professional, the psychologist carefully considers that professional relationship and proceeds with caution and sensitivity to the therapeutic issues as well as the client's welfare. The psychologist discusses these issues as well as the client's welfare. The psychologist discusses these issues with the client so as to minimize the risk of confusion and conflict.

(C) Psychologists who employ or supervise other professionals in training accept the obligation to facilitate the further professional development of these individuals. They provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

(D) Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

(E) In conducting research in institutions or organizations, psychologists secure appropriate authorization to conduct such research. They are aware of their obligations to future research workers and ensure that host institutions receive adequate information about the research and proper acknowledgment of their contributions.

(F) Publication credit is assigned to those who have contributed to a publication in proportion to their professional contributions. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the individual who made the principal contribution listed first. Minor contributions of a professional character and extensive clerical or similar nonprofessional assistance may be acknowledged in footnotes or in an introductory statement. Acknowledgment

through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. Psychologists who compile and edit material of others for publications publish the material in the name of the originating group, if appropriate, with their own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

(G) When psychologists know of an ethical violation by another psychologist, and it seems appropriate, they informally attempt to resolve the issue by bringing the behavior to the attention of the psychologist. If the misconduct is of a minor nature and/or appears to be due to lack of sensitivity, knowledge, or experience, such an informal solution is usually appropriate. Such informal corrective efforts are made with sensitivity to any rights to confidentiality involved. If the violation does not seem amendable to an informal solution, or is of a more serious nature, psychologists bring it to the attention of the appropriate local, state, and/or national committee on professional ethics and conduct.

(9) Assessment Techniques: In the development, publication, and utilization of psychological assessment techniques, psychologists make every effort to promote the welfare and best interests of the client. They guard against the misuse of assessment results. They respect the client's right to know the results, the interpretations made, and the bases for their conclusions and recommendations. Psychologists make every effort to maintain the security of tests and other assessment techniques within limits of legal mandates. They strive to ensure the appropriate use of assessment techniques by others.

(A) In using assessment techniques, psychologists respect the right of clients to have full explanation of the nature and purpose of the techniques in language the clients can understand, unless an explicit exception to this right has been agreed upon in advance. When the explanations are to be provided by others, psychologists establish procedures for ensuring the adequacy of these explanations.

(B) Psychologists responsible for the development and standardization of psychological tests and other assessment techniques utilize established scientific procedures and observe relevant standards such as those developed by the APA.

(C) In reporting assessment results, psychologists indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessment or the inappropriateness of the norms for the person tested. Psychologists strive to ensure that the results of assessments and their interpretations are not misused by others.

(D) Psychologists recognize that assessment results may become obsolete. They make every effort to avoid and prevent the misuses of obsolete measures.

(E) Psychologists offering scoring and interpretation services are able to produce appropriate evidence for the validity of the programs and procedures used in arriving at interpretations. The public offering an automated interpretation service is considered a professional-to-professional consultation. Psychologists make every effort to avoid misuse of assessment reports.

(F) Psychologists do not encourage or promote the use of psychological assessment techniques by inappropriately trained or otherwise unqualified persons through teaching, sponsorship, or supervision.

(10) Research with Human Participants: The decision to undertake research rests upon a considered judgment by the individual psychologist about how best to contribute to psychological science and human welfare. Having made the decision to conduct research, the psychologist considers alternative directions in which research energies and resources might be invested. On the basis of this consideration, the psychologist carries out the investigation with respect and concern for the dignity and welfare of the people who participate and with cognizance of federal and state regulations and professional standards governing the conduct of research with human participants.

(A) In planning a study, the investigator has the responsibility to make a careful evaluation of its ethical acceptability. To the extent that the weighing of scientific and human values suggests a compromise of any principle, the investigator incurs a correspondingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of human participants.

(B) Considering whether a participant in a planned study will be a "subject at risk" or a "subject at minimal

risk," according to recognized standards, is of primary ethical concern to the investigator.

(C) The investigator always retains the responsibility for ensuring ethical practice in research. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur similar obligations.

(D) Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement. The investigator informs the participants of all aspects of the research that might reasonably be expected to influence willingness to participate and explains all other aspects of the research about which the participants inquire. Failure to make full disclosure prior to obtaining informed consent requires additional safeguards to protect the welfare and dignity of the research participants. Research with children or with participants who have impairments that would limit understanding and/or communication requires special safeguarding procedures.

(E) Methodological requirements of a study may make the use of concealment or deception necessary. Before conducting such a study, the investigator has a special responsibility to—

1. Determine whether the use of such techniques is justified by the study's prospective scientific, educational, or applied value;

2. Determine whether alternative procedures are available that do not use concealment or deception; and

3. Ensure that the participants are provided with sufficient explanation as soon as possible.

(F) The investigator respects the individual's freedom to decline to participate in or to withdraw from the research at any time. The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant. Such positions of authority include, but are not limited to, situations in which research participation is required as a part of employment or in which the participant is a student, client, or employee of the investigator.

(G) The investigator protects the participant from physical and mental discomfort, harm, and danger that may arise from research procedures. If risks of such consequences exist, the investigator informs the participant of that fact. Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use these procedures might expose the participant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from each participant. The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm, or related questions or concerns arise.

(H) After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove any misconceptions that may have arisen. Where scientific or humane values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

(I) Where research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

(J) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent.

(11) Care and Use of Animals: An investigator of animal behavior strives to advance understanding of basic behavioral principles and/or to contribute to the improvement of human health and welfare. In seeking these ends, the investigator ensures the welfare of animals and treats them humanely. Laws and regulations notwithstanding, an animal's immediate protection depends upon the scientist's own conscience.

(A) The acquisition, care, use, and disposal of all animals are in compliance with current federal, state or provincial, and local laws and regulations.

(B) A psychologist trained in research methods and experienced in the care of laboratory animals closely supervises all procedures involving animals and is responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(C) Psychologists ensure that all individuals using animals under their supervision have received explicit instruction in experimental methods and in the care, maintenance, and handling of the species being used. Responsibilities and activities of individuals participating in a research project are consistent with their respective competencies.

(D) Psychologists make every effort to minimize discomfort, illness, and pain of animals. A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value. Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(E) When it is appropriate that the animal's life be terminated, it is done rapidly and painlessly.

Auth: Section 337.035, RSMo (1978). Original rule filed Aug. 12, 1983, effective Dec. 11, 1983.

Chapter 6—Temporary Licensure

4 CSR 235-6.010 Temporary Licensure

Emergency rule filed April 12, 1979, effective April 23, 1979, expired July 22, 1979.

Op. Atty. Gen. No. 118, Butler 6-8-79. The department of consumer affairs, regulation and licensing is not authorized to promulgate a rule allowing the department, upon the advice of the state committee of psychologists, to grant an applicant for licensure a temporary license to practice psychology in Missouri. Such a rule would impermissibly enlarge upon the terms of the statute.

STATE BOARD FOR PSYCHOLOGY, 1985
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- please see
pages 3 & 7

L I C E N S I N G
O F
P S Y C H O L O G I S T S
I N
N E W Y O R K S T A T E

A summary of the statute,
rules and regulations



THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department
Cultural Education Center
Albany, New York 12230

FOREWORD

Enclosed in this booklet are the following:

- (1) Article 153 of the Education Law, the specific provisions pertaining to psychology.
 - (2) Civil Practice Law & Rules pertaining to confidentiality.
 - (3) Rules of the State Board for Psychology pertaining to supervised employment.
 - (4) Section 52.10 of the Regulations of the Commissioner of Education, requirements of a doctoral degree program.
 - (5) Special conditions pertaining to review of experience for grandfather applicants and the requirements of prerequisite examination for foreign-educated applicants.
 - (6) Regulations pertaining to Definition of Professional Practice of Psychology.
 - (7) New York State Insurance Law pertaining to Freedom of Choice Legislation.
 - (8) The Rules of the New York State Board of Regents relating to Definitions of Unprofessional Conduct.
-

If you desire information on doctoral psychology programs in New York State which are registered for professional licensing purposes, please write to the following address:

Executive Secretary
State Board for Psychology
Cultural Education Center #3025
Albany, N.Y. 12230

(For an explanation of the implementation of the law, rules and regulations pertaining to psychology, please refer to Information for Applicants for Licensing as a Psychologist in New York State, also included in your licensure packet.)

ARTICLE 153

PSYCHOLOGY

Section	7600. Introduction.
	7601. Use of title "psychologist".
	7602. State board for psychology.
	7603. Requirements for a professional license.
	7604. Limited permits.
	7605. Exempt persons.

§7600. **Introduction.** This article applies to the use of the title "psychologist". The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§7601. **Use of title "psychologist".** Only a person licensed under this article shall be authorized to use the title "psychologist" or to describe his services by use of the words "psychologist", "psychology" or "psychological" in connection with his practice.

§7602. **State board for psychology.** A state board for psychology shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than eleven psychologists licensed in this state. An executive secretary to the board shall be appointed by the board of regents upon the recommendation of the commissioner and shall be a psychologist, licensed in this state.

§7603. **Requirements for a professional license.** To qualify for a license as a psychologist, an applicant shall fulfill the following requirements:

(1) **Application:** file an application with the department;

(2) **Education:** have received an education, including a doctoral degree in psychology, granted on the basis of completion of a program of psychology registered with the department or the substantial equivalent thereof, in accordance with the commissioner's regulations;

(3) **Experience:** have two years of supervised employment or engagement in appropriate psychology activities satisfactory to the board and in accordance with the commissioner's regulations;

- (4) Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
- (5) Age: Be at least twenty-one years of age;
- (6) Citizenship: meet no requirement as to United States citizenship;
- (7) Character: be of good moral character as determined by the department; and
- (8) Fees: pay a fee of one-hundred dollars to the department for admission to a department conducted examination and for an initial license, a fee of fifty dollars for each reexamination, a fee of sixty-five dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of sixty dollars for each biennial registration period through April thirtieth, nineteen hundred eighty-five, and a fee of ninety dollars for each triennial registration period commencing on and after May first, nineteen hundred eighty-five.

§7604. **Limited permits.** On recommendation of the board, the department may issue a limited permit to practice as psychologist to an applicant holding a certificate or license to practice psychology issued by another state or country, and whose qualifications have been approved for admission to the examination for a license as psychologist and who has resided in this state for a period of not more than six months prior to the filing of such application. The limited permit shall be valid for a period of not more than eighteen months, or until the results of a licensing examination have been received from the department, whichever comes first.

2. Fees: The fee for each limited permit shall be forty dollars.

§7605. **Exempt persons.** Nothing in this article shall be construed to affect or prevent: 1. The activities, services, and use of the title of psychologist, or any derivation thereof, on the part of a person in the employ of a federal, state, county or municipal agency, or other political subdivision, or a chartered elementary or secondary school or degree-granting educational institution insofar as such activities and services are a part of the duties of his salaried position.

2. The activities and services required of a student, intern, or resident in psychology, pursuing a course of study leading to a doctoral degree in psychology in an institution approved by the department, provided that such activities and services constitute a part of his supervised course of study in psychology. Such persons shall be designated by title as "psychological intern", "psychological trainee" or other such title which clearly indicates his training status.

3. The activities and services on the part of a person who has fulfilled requirements of paragraphs (2), (5), (6) and (7) of section seventy-six hundred three of this article, and is fulfilling requirements of paragraph (3) of such section, provided that the period of the experience of such person in carrying on such activities and services does not exceed an aggregate of thirty-six months subsequent to the attainment of the doctoral degree and provided that the title used by such person is "assistant psychologist".

4. The representation of a psychologist and the rendering of services as such in this state for a temporary period of a person who resides outside the state of New York and who engages in practice as a psychologist and conducts the major part of his practice as such outside this state, provided such person has filed with the department evidence that he has been licensed or certified in another state or has been admitted to the examination in this state pursuant to section seventy-six hundred three of this article. Such temporary period shall not exceed ten consecutive business days in any period of ninety consecutive days or in the aggregate exceed more than fifteen business days in any such ninety-day period.

CIVIL PRACTICE LAW AND RULES

§4507. Psychologist.

The confidential relations and communications between a psychologist registered under the provisions of article one hundred fifty-three of the education law¹ and his client are placed on the same basis as those provided by law between attorney and client, and nothing in such article shall be construed to require any such privileged communications to be disclosed.

¹ Education Law §7601 et seq.

Section 260.1 Supervised experience. (a) "Supervised experience", as used in ²section 7605 (subdivision 1, paragraph e) of the Education Law, means work in an organizational setting under at least weekly observation by qualified psychologists. Such psychologists must be regular staff members of or consultants to the organization in which the applicant is obtaining his psychological experience.

(b) "Satisfactory", as used in the aforesaid section, subdivision and paragraph, means satisfactory in quality, scope and nature to the³ Board of Examiners of Psychologists.

(c) "Two years of satisfactory supervised experience", as used in the aforesaid section, means two years of full-time experience acquired over continuous periods of not less than six months' duration except in the case of a psychology internship which is part of a registered graduate program in psychology or its substantial equivalent in both subject matter and extent of training. In the latter case only, two years means two years of fulltime experience will be considered satisfactory only if it is acquired at the rate of at least 16 hours per week spread over at least two days and over continuous periods of at least six months' duration.

(d) "Rendering psychological services", as required by the aforesaid section, subdivision and paragraph, means performing duties designed explicitly as preparation for the independent practice of psychology as defined in ⁴section 172.2, supra.

²Should read section 7603 (subdivision 3)

³Should read State Board for Psychology

⁴Should read section 72.2

REGULATIONS OF THE COMMISSIONER OF EDUCATION
PERTAINING TO PSYCHOLOGY

§52.10 Psychology. A doctoral degree program shall require at least three years of full-time study or their equivalent including:

(a) Seminars, tutorials, or other graduate level course work representing two years of full-time study or the equivalent.

(b) At least 42 semester hours designed as preparation for the professional practice of psychology with a minimum of 24 of those hours selected from any five of the basic areas: experimental psychology, developmental psychology, individual differences, psychological tests and measurements, social psychology, statistical methods, history and systems of psychology, design of research, personality theory, learning theory, physiological psychology, abnormal psychology, comparative psychology, motivation, and perception. The remaining 18 semester hours in psychology may be in the foregoing basic areas, in the following methods and procedures, or in a combination thereof: methods or procedures of interviewing, counseling, or psychotherapy; constructing, administering, or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, or motivation; assessing public opinion. No more than nine of these 42 semester hours shall be in any one of the aforementioned basic areas, methods, or procedures of psychology.

(c) The total curriculum shall contain preparation for initiating, conducting, and evaluating research in psychology which can be supported by written evidence.

Section 72.1 Special conditions. (a) "Review of experience". Any person denied a certificate as psychologist by the Board of Examiners of Psychologists on the grounds of unsatisfactory experience may appeal to the commissioner within 30 days after receipt of official notice of the board's determination. The appeal to the commissioner should be made on the form which will accompany the official notice to the applicant. Review of an applicant's case will be limited to the material evaluated by the board and shall not include a personal appearance unless requested by the commissioner.

(b) "Prerequisite examination in psychology". In instances where doctoral programs in psychology are considered to be generally consistent with section ⁵52.23 of the regulations of the Commissioner of Education but cannot be appraised in terms of substantial equivalency of subject matter and extent of training as provided under Education Law, section 7605, subdivision d, paragraph 1, by either documentation or visitation satisfactory to the Department, such substantial equivalency may be established by the passing of a prerequisite examination in psychology satisfactory to the Board of Examiners of Psychologists and the Department prior to being admitted to the examination for certificate as psychologist.

⁵Should read section 52.10

REGULATIONS PERTAINING TO THE DEFINITION OF PROFESSIONAL PRACTICE OF PSYCHOLOGY AS CONTAINED IN SECTION 72.2 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION:

72.2 Definitions. (a) A person "practices psychology" within the meaning of this section when he renders to individuals, organizations, or the public, any service involving the application of principles, methods or procedures of understanding, predicting or influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, or interpersonal relationships; or the methods or procedures of interviewing, counseling or psychotherapy; or of constructing, administering, or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions or motivation; or of assessing public opinion. The application of said principles and methods includes, but is not restricted to: the psychological evaluation, prevention, and amelioration of personality disorders and adjustment problems of individuals and groups; educational and vocational planning; personnel selection and management; the arrangement of effective work and learning situations; advertising and market research; the resolution of interpersonal and social conflicts; lecturing on or teaching of psychology; and the design and conduct of applied psychological research.

(b) "Psychotherapy" within the meaning of this section means the use of verbal methods in interpersonal relationships with the intent of assisting a person or persons to modify attitudes and behavior which are intellectually, socially, or emotionally maladaptive.

New York State Insurance Law
Freedom of Choice Insurance Legislation

Notwithstanding any provision of a policy or contract of groups accident, group health or group accident and health insurance, whenever such policy or contract provides for reimbursement to a physician or a psychiatrist for psychiatric or psychological services or for the diagnosis and treatment of mental, nervous, or emotional disorders or ailments, however defined in such policy or contract, a subscriber to such group accident, group health or group accident and health insurance policy or contract shall be entitled to reimbursement for such psychiatric or psychological services or diagnosis or treatment whether performed by a physician, psychiatrist or a duly certified and registered psychologist when the services rendered are within the lawful scope of their practice and when such policy or contract or any certificate issued thereunder is covered or issued for delivery throughout this state by an authorized insurer, covered persons residing in this state shall be entitled to reimbursement for such diagnosis and treatment by a physician, psychiatrist or a certified and registered psychologist as herein above provided.

Part 29

UNPROFESSIONAL CONDUCT

(Statutory authority: Education Law § 6506)

Sec.

- 29.1** General provisions for all professions
- 29.2** General provisions for health professions
- 29.3** General provisions for design professions
- 29.4** Special provisions for the profession of medicine
- 29.5** Special provisions for the professions of dentistry and dental hygiene
- 29.6** Special provisions for the profession of veterinary medicine
- 29.7** Special provisions for the profession of pharmacy
- 29.8** Special provisions for the profession of optometry
- 29.9** Special provisions for the profession of ophthalmic dispensing
- 29.10** Special provisions for the profession of public accountancy
- 29.11** Special provisions for the profession of certified shorthand reporting
- 29.12** Special provisions for the profession of psychology
- 29.13** Special provisions for the profession of massage

Section 29.1 General provisions for all professions. (a) Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.

(b) Unprofessional conduct in the practice of any profession licensed or certified pursuant to title VIII of the Education Law shall include:

- (1) willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;
- (2) exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;

- (3) directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;
- (4) permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law;
- (5) conduct in the practice of a profession which evidences moral unfitness to practice the profession;
- (6) willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;
- (7) failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;
- (8) revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;
- (9) practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
- (10) delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them;
- (11) performing professional services which have not been duly authorized by the patient or client or his or her legal representative;
- (12) advertising or soliciting for patronage that is not in the public interest:
 - (i) Advertising or soliciting not in the public interest shall include but not be limited to advertising or soliciting that:
 - (a) is false, fraudulent, deceptive, misleading, sensational or flamboyant;

- (b) represents intimidation or undue pressure;
- (c) uses testimonials;
- (d) guarantees any service;
- (e) makes any claim relating to professional services or products or the cost or price therefor which cannot be substantiated by the licensee, who shall have the burden of proof;
- (f) makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or
- (g) offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product;

(ii) The following shall be deemed appropriate means of informing the public of the availability of professional services:

- (a) informational advertising not contrary to the foregoing prohibitions; and
- (b) the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that there is an additional charge for related services which are an integral part of the overall service being provided by the licensee and the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect;

(iii) (a) all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department or in the case of physicians, physician's and specialist's assistants, the Department of Health;

(b) a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;

(iv) No demonstrations, dramatizations or other portrayals of professional practice shall be permitted in advertising on radio or television;

(13) failing to respond within 30 days to written communications from the Education Department or the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was

delivered personally to the licensee. If the communication is sent from either department by registered or certified mail, with return receipt requested, to the address appearing in the last registration the period of 30 days shall commence on the date of delivery to the licensee, as indicated by the return receipt.

(14) violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law section 6511.

29.2 General provisions for health professions. (a) Unprofessional conduct shall also include, in the professions of:

medicine	ophthalmic dispensing
acupuncture	psychology
physical therapy	social work
physician's assistant	massage
specialist's assistant	occupational therapy
chiropractic	speech pathology
dentistry	audiology
dental hygiene	nursing
pharmacy	(registered professional nurse,
podiatry	licensed practical nurse):
optometry	

(1) abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients;

(2) willfully harassing, abusing or intimidating a patient either physically or verbally;

(3) failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years;

(4) using the word "Doctor" in offering to perform professional services without also indicating the profession in which the licensee holds a doctorate;

(5) failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;

(6) upon a patient's written request, failing to make available to a patient, or, to another licensed health practitioner consistent with that practitioner's authorized scope of practice, copies of the record required by paragraph (3) of this subdivision and copies of reports, test records, evaluations or X-rays relating to the patient which are in possession or under the control of the licensee, or failing to complete forms or

reports required for the reimbursement of a patient by a third party. Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate may not be required as a condition for making such records available. A practitioner may, however, withhold information from a patient if, in the reasonable exercise of his or her professional judgment, he or she believes release of such information would adversely affect the patient's health, and this section shall not require release, to the parent or guardian of a minor, of records or information relating to venereal disease or abortion except with the minor's consent. This provision shall apply in lieu of section 29.1(b)(7) of this Part;

(7) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(3) ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient;

(9) claiming or using any secret or special method of treatment which the licensee refuses to divulge to the State Board for the profession;

(10) failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and professional title authorized pursuant to the Education Law, while practicing as an employee or operator of a hospital, clinic, group practice or multiprofessional facility, or at a commercial establishment offering health services to the public;

(11) entering into an arrangement or agreement with a pharmacy for the compounding and/or dispensing of coded or specially marked prescriptions;

(12) with respect to all professional practices conducted under an assumed name, other than facilities licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law, failing to post conspicuously at the site of such practice the names and licensure field of all of the principal professional licensees engaged in practice at that site (i.e., principal partners, officers or principal shareholders).

29.12 Special provisions for the profession of psychology. (a) Unprofessional conduct in the practice of psychology shall include conduct prohibited by sections 29.1 and 29.2 of this Part, except as provided in this section, and shall also include the following:

(1) in the conduct of psychological research, failing to undertake reasonable efforts to remove the possible harmful aftereffects of emotional stress as soon as the design of the research permits, or failing to inform prospective research subjects or their authorized representatives fully of the danger of serious aftereffects, if such danger exists, before they are utilized as research subjects;

(2) in the interpretation of the provisions of section 29.1(b)(5) of this Part and in the treatment of sexual dysfunction, as well as in other areas of the practice of psychology:

(i) immoral conduct shall include any physical contact of a sexual nature between psychologist and client; but immoral conduct shall not include the use of

films and/or other audiovisual aids with individuals or groups in the development of appropriate responses to overcome sexual dysfunction;

(ii) in therapy groups, immoral conduct shall include activities which promote or allow explicit physical sexual contact between group members during sessions;

(3) the provisions of section 29.2(a)(5) of this Part shall apply to psychologists, who may also list in directories and on professional stationery areas of specialization and subspecialties recognized by the Board of Regents.

**PROFESSIONALLY REGISTERED DOCTORAL PSYCHOLOGY
PROGRAMS IN NEW YORK STATE**

The following list is of those university psychology programs which are registered by the New York State Education Department as meeting educational requirements for admission to the licensing examination in psychology. Dates of initial professional registration and degree awarded are indicated. Graduates on or after the date of initial professional registration meet educational requirements for admission to the licensing examination in psychology and need not submit an abstract of the doctoral dissertation, catalog descriptions or course syllabi of all other required forms and materials for a completed application for licensure as a psychologist in New York State. ALL GRADUATES of programs other than those listed below must submit all application materials including an abstract of the doctoral dissertation, catalog descriptions and/or course syllabi of all graduate courses in psychology and any additional documentation as the Department may request to evaluate the applicant's credentials.

<u>Date of Registration</u>	<u>University</u>	<u>Specialties Within Psychology</u>	<u>Degree Granted</u>
1962	Adelphi University	Clinical	Ph.D.
1980	City University (CUNY)	Experimental	Ph.D.
		Developmental	Ph.D.
		Environmental	Ph.D.
		Social and Personality	Ph.D.
		Experimental Cognition	Ph.D.
		Clinical	Ph.D.
		Biopsychology	Ph.D.
		Experimental Psychology:	
		Cognition,	Ph.D.
		Learning & Perception	Ph.D.
		Neuropsychology	Ph.D.
		Learning Processes	Ph.D.
		Educational	Ph.D.
1980	Teachers College of	Clinical	Ph.D.
1981	Columbia University	Counseling	Ph.D.
		Counseling	Ed.D.
1976	Fordham University	Educational	Ph.D.
		Urban School	Ph.D.
1970		General Theoretical (TBT)	Ph.D.
		Experimental	Ph.D.
		Clinical	Ph.D.
		Psychometrics	Ph.D.
1976	Hofstra University	Applied Research &	
		Evaluation in Psych.	Ph.D.
1981		School/Clinical	Ph.D.
		School & Community	Ph.D.
1984	Long Island University	Clinical	Ph.D.
1974	New School for	Clinical	Ph.D.
	Social Research	Experimental	Ph.D.
		Personality-Social	Ph.D.

<u>Date of Registration</u>	<u>University</u>	<u>Specialties Within Psychology</u>	<u>Degree Granted</u>
1972	New York University	Experimental	Ph.D.
		Clinical	Ph.D.
		Social-Personality	Ph.D.
		Personnel	Ph.D.
		Community	Ph.D.
1973		Counseling	Ph.D.
		Special Education	Ph.D.
		Psychological Founda- tions of Reading	Ph.D.
		General Educational	Ph.D.
		Psychoeducational	
		Research, Measurement and Evaluation	Ph.D.
1968		School	Ph.D.
1979		Child/School	Psy.D.
1979	Pace University	School/Community	Psy.D.
1967	University of Rochester	Experimental	Ph.D.
		Developmental	Ph.D.
		Social-Personality	Ph.D.
		Clinical	Ph.D.
1976	St. John's University	Clinical	Ph.D.
		Professional Child (TBT)	Ph.D.
1976	SUNY at Albany	Clinical	Ph.D.
		General Experimental	Ph.D.
		Social	Ph.D.
1981		Counseling	Ph.D.
1976	SUNY at Binghamton	Experimental	Ph.D.
		Psychobiology	Ph.D.
		Clinical	Ph.D.
1962	SUNY at Buffalo	General Experimental	Ph.D.
		Clinical	Ph.D.
		Social	Ph.D.
1982		Counseling	Ph.D.
1976	SUNY at Stony Brook	Clinical	Ph.D.
		General Experimental	Ph.D.
		Physiological	Ph.D.
		Social	Ph.D.
		Developmental	Ph.D.
1966	Yeshiva University	School	Ph.D.
		Experimental	Ph.D.
		Clinical	Ph.D.
		Social	Ph.D.
		Developmental	Ph.D.
1980		School	Psy.D.
		Clinical	Psy.D.

TBT = To be terminated. No new admissions to this program.



GEORGE DEUKMEJIAN

Governor

Marie Shibuya-Snell
Director

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Laws, Rules and Regulations Relating to the Practice of Psychology



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Issued by the

BOARD OF MEDICAL QUALITY ASSURANCE
PSYCHOLOGY EXAMINING COMMITTEE

1984

Includes Amendments Through January 1984

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Sacramento, California 95825

chology or their doctoral programs in psychology.

(c) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the committee in its regulations, or such suitable alternative supervision as determined by the committee in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology.

(d) Take and pass the examination required by Section 2941 unless otherwise exempted by the committee under the provisions of this chapter.

(Amended by Stats. 1978, Ch. 1208.)

Severability Provision

2916. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any of the provisions or applications of this chapter which can be given effect without such invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

Confidentiality

2918. The confidential relations and communications between psychologist and client shall be privileged as provided by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code.

Article 2. Administration

Section

2920	Psychology Examining Committee [<i>Amended</i>]
2921	Terms
2922	Appointment [<i>Amended</i>]
2923	Qualifications
2924	Removal
2925	Officers
2926	Meetings
2927.5	Notices
2928	Administration and Enforcement
2929	Seal
2930	Rules and Regulations
2931	Committee Functions
2932	Quorum
2933	Personnel
2934	Directory of Licensed Psychologists [<i>New</i>]
2935	Compensation
2936	Rules of Ethical Conduct; Posting of Notice

Psychology Examining Committee

2920. The Psychology Examining Committee of the Board of Medical Quality Assurance of the Department of Consumer Affairs shall administer the provisions of this chapter. The committee shall consist of eight members, three of whom shall be public members.

(Amended by Stats. 1982, Ch. 676.)

Terms

2921. Each member of the committee shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

Appointment

2922. In appointing the members of the committee, except the public members, the Governor shall use his judgment to select psychologists who represent, as widely as possible, the varied professional interests of psychologists in California.

The Governor shall appoint one of the public members and the five licensed members of the board qualified as provided in Section 2923. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

(Amended by Stats. 1982, Ch. 676.)

Qualifications

2923. Each member of the committee shall have all of the following qualifications:

(a) He shall be a resident of this state.

(b) Each member appointed, except the public members shall be a licensed psychologist.

The public members shall not be licentiates of the committee or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

Removal

2924. The Governor has power to remove from office any member of the committee for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct.

Officers

2925. The committee shall elect annually a chairperson and vice chairperson from among its members.

(Amended by Stats. 1978, Ch. 1208.)

Meetings

2926. The committee shall hold at least one regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the committee.

Executive Sessions

2927. (Repealed by Stats. 1978, Ch. 1161.)

1384.6. Revised Criteria for Evaluation of Education.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

HISTORY:

1. Amendment of subsection (c) filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39). For prior history, see Registers 77, No. 8, 77, No. 31, 77, No. 43 and 77, No. 48.
2. Amendment filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
3. Repealer and new subsection (c) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
4. Renumbering of Section 1384.6 to Section 1386 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

1384.7. Original Research Dissertation Requirement Defined.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

HISTORY:

1. New section filed 2-15-78 as an emergency; effective upon filing (Register 78, No. 7).
2. Certificate of Compliance transmitted to OAH 6-9-78 and filed 6-15-78 (Register 78, No. 24).
3. Amendment filed 6-22-78; effective thirtieth day thereafter (Register 78, No. 24).
4. Repealer filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39).

1385. Foreign Graduates.

Applicants for licensure whose applications are based on graduation from foreign universities, colleges or professional schools shall provide the committee with such documents and evidence demonstrating that their formal education meets the requirements of Section 2914 of the code.

The applicant shall provide the committee with the following:

- (a) An original diploma or other certificate of graduation, which will be returned, and a photostatic copy of such document, which will be retained.
- (b) A transcript or comparable document of all coursework completed.
- (c) A certified translation of all documents submitted in a language other than English.
- (d) Satisfactory evidence of supervised professional experience comparable to that designated in Section 1387.
- (e) Evidence that the doctoral dissertation was primarily psychological in nature. In its discretion, the committee may require an applicant to file a copy of the dissertation.
- (f) A statement prepared by the applicant based on the above documents, indicating the chronological sequence of studies and research. The format of this statement shall be as comparable as possible to a transcript issued by American universities.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2914 and 2940, Business and Professions Code.

HISTORY:

1. Amendment filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

1386. Revised Criteria for Evaluation of Education.

(a) Only those doctorate degrees which are designated as being earned in a department or school of psychology, educational psychology or education with the field of specialization in counseling psychology or educational psychology shall be accepted as an earned doctorate degree as specified in Section 2914, subsections (b) (1) through (3), of the code. Any other degree shall be subject to evaluation as an equivalent degree pursuant to the requirements of this section even though the designation "psychology" may be included in the title. If it is not evident on the official transcript, the committee may require that any doctorate degree earned in education with the field of specialization in counseling psychology or educational psychology be certified by the registrar as such a degree.

(b) Any doctorate degree earned in a program while approved by the American Psychological Association shall be deemed an equivalent degree pursuant to the provisions of this section.

(c) In order to be acceptable for psychology licensure as an equivalent degree, an applicant's doctorate degree shall meet the following requirements:

(1) The doctorate degree shall be equivalent or similar to a doctorate degree in psychology although not completed within a school or department of psychology, such as, a degree in child development, human development or behavioral medicine.

(2) Although the emphasis for evaluation of an equivalent degree is placed on the nature of the degree and the contents of the graduate program, the applicant's graduate program leading to the doctorate degree shall have contained at least 48 semester or 72 quarter units in those subject areas listed in subsection (c) (4) which have been successfully completed since receipt of a baccalaureate degree.

(3) The degree program shall be a recognizable and organizational unit within an educational institution which is under the authority of an official who has responsibility for the core and specialty areas of the program's curriculum.

(4) The degree program shall have an integrated, organized curriculum and sequence of study which includes instruction in the areas of biological bases of behavior, cognitive-affective bases of behavior, social bases of behavior and individual differences, instruction in psychometrics and research methodology, and professional ethics, and supervised practicum, internship and field or laboratory training, all of which is appropriate to the practice of psychology.

(5) All the coursework submitted as part of the equivalent degree program shall have been completed prior to receipt of the doctorate degree; however, the committee in its discretion may consider coursework which is directly relevant and appropriate to the course of study of the degree program which is completed after the doctorate degree is received.

(d) Applicants submitting evaluation for licensure shall submit official course descriptions of all post-baccalaureate courses completed and an abstract of the doctoral dissertation.

(e) Graduates of foreign universities, colleges or professional schools are exempt from the provisions of this section and shall be evaluated pursuant to Section 1385.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code

HISTORY:

1. Renumbering and amendment of former Section 1386 to Section 1387.5, and renumbering of former Section 1384.6 to Section 1386 filed 6-15-83; effective thirtieth day thereafter.

1387.5. Pre-doctoral Experience.

In addition to hours of supervised professional experience for which credit may be received under Section 1387, any applicant who commenced and completed the pre-doctoral experience prior to January 1, 1979 shall also have the following hours credited towards the required professional experience as provided:

(a) The supervised experience shall have provided for a minimum of one hour per week of face-to-face or similarly effective consultation between the supervisor and the applicant during its entire duration. A statement from the supervisor verifying the applicant's supervised experience and setting forth the nature and extent of such supervision shall be required.

(b) A full-time appointment teaching psychology may count for one-half of the one year of pre-doctoral experience provided that such teaching shall have been in courses in the same field of psychology as the experience, or in a similar field. Such appointment may not substitute for the one full year of post-doctoral supervised experience.

(c) Applicants with specialization in clinical or counseling psychology may substitute for six months of pre-doctoral supervised experience verified evidence of 200 or more hours of personal psychotherapy experience subsequent to the completion of the graduate units specified in subsection (g) of Section 1387, under the supervision of a diplomate of the American Board of Professional Psychology, under a licensed psychologist or a psychologist who would be eligible for licensure in California, or under a physician who is certified in psychiatry by the Board of Psychiatry and Neurology of the American Medical Association.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

HISTORY:

1. Renumbering and amendment of former Section 1386 to Section 1387.5 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 78, No. 13; and 77, No. 48.

Article 4. Examination

1388. Examinations.

(a) The examination shall consist of both a written and an oral examination.

(b) The written examination utilized by the committee is the Examination for Professional Practice in Psychology prepared by the American Association of State Psychology Boards and administered by the Professional Examination Service through the committee. An applicant shall pass the written examination before the oral examination may be taken.

(c) An applicant is forbidden to remove examination materials from the examination room or make any record of any questions or answers. Any applicant cheating shall be removed from the examination.

NOTE: Authority cited: Sections 851 and 2930, Business and Professions Code. Reference: Sections 851, 2941 and 2942, Business and Professions Code.

HISTORY:

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).

2. Amendment of subsection (b) filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).

3. Repealer and new section filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).

4. Amendment of subsection (b) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).

1388.5. Oral Examinations.

(a) The committee shall notify applicants of the areas to be covered in the oral examination and applicants shall be examined only in such areas.

(b) Any applicant who fails to receive a grade of 75 in an oral examination shall be given reasons in writing why the failing score was issued.

(c) The committee shall keep an electronic recording of each oral examination for at least two (2) years following the date of the examination.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2931, 2941 and 2942, Business and Professions Code; and Section 12944, Government Code.

HISTORY:

1. New section filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).

2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

1389. Reconsideration of Examinations.

(a) All requests for reconsideration of oral examinations shall be submitted in writing to the committee's office in Sacramento within sixty (60) days following notification of failure of the examination.

(b) A failed oral examination shall be reconsidered by the committee if the applicant received a grade of 72.5 or greater. The committee may reconsider an oral examination with a grade less than 72.5.

(c) The review of an oral examination will be conducted by one or more committee members and their findings may be subject to the approval of the committee in its discretion.

(d) There shall be no reconsideration of the grade received on an objective written examination.

(e) Nothing in this section shall be construed to deprive an applicant of his or her rights of appeal as afforded by other provisions of law.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2942 and 2944, Business and Professions Code.

HISTORY:

1. Repealer and new section filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).

2. Amendment filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).

3. Amendment of subsection (c) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).

4. Amendment of subsections (b) and (c) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).

5. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

1390. Inspection of Examinations.

(a) All examination materials, except those owned by an examination service shall be retained by the committee at the committee's office in Sacramento for a period of two (2) years after the date of the examination.

(b) Any person desiring to inspect his or her oral examination rating sheet or the recording of his or her oral examination may, within a period of one year following the date of the examination and upon written request to the committee, inspect such examination materials at the committee's office in Sacramento during the regular office hours. No more than one inspection shall be allowed. At the time of inspection, no one other than the person inspecting his or her examination and a representative of the committee shall be present; nor shall any notes be made at the time of the inspection.

ENTITLED, An Act to regulate the profession of psychology and to provide penalties for violation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Terms used in this Act, unless the context otherwise requires, mean:

- (1) "Board," the board of examiners of psychologists established under this Act;
- (2) "Psychologist," a person licensed under this Act who holds himself out to the public by any title or description of services which uses the words psychological, psychology, psychologist, psychometrist, or any derivations thereof;
- (3) "The practice of psychology," rendering or offering to render to individuals, groups, organizations or the public any service involving the application of psychological procedures for the assessment, diagnosis, prevention, treatment or amelioration of psychological problems or emotional or mental and nervous disorders of individuals or groups; or for the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing problem;
- (4) "Psychological procedures," include but are not restricted to the application of principles, methods or procedures of understanding, predicting or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, behavior modification, environmental manipulation, group process, psychotherapy, biofeedback or hypnosis; and the

methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions or motivation;

(5) "Program in psychology," a doctoral program, including a doctor of philosophy degree (Ph. D.), a doctor of psychology degree (Psy. D.) and a doctor of education degree (Ed. D.), for training in psychology that meets all of the following criteria:

(a) The program offers doctoral training in a regionally accredited institution of higher education;

(b) The program, wherever it may be administratively housed, is identified as a psychology program or primarily psychological in nature as certified by the educational institution. The board may review the institutional catalogs and brochures to determine the psychological nature of the program;

(c) The program must be a recognizable, coherent organizational entity within the institution;

(d) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(e) The program must be an integrated, organized sequence of study;

(f) There must be an identifiable psychology faculty;

(g) The program must have an identifiable body of students who are matriculated in that program for the purpose of receiving a degree;

(h) The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology;

(i) The curriculum must encompass a minimum of three academic

years of full time graduate study. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the four following substantive areas. This may be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in these four substantive content areas:

- (i) Biological bases of behavior: physiological psychology, comparative psychology, neuro-psychology, sensation and perception, psychopharmacology;
- (ii) Cognitive-affective bases of behavior: learning, thinking, motivation, emotion;
- (iii) Social bases of behavior: social psychology, group processes, organizational and systems theory;
- (iv) Individual differences: personality theory, human development, abnormal psychology.

In addition to these criteria, programs in psychology shall include course requirements in specialty areas.

Section 2. The provisions of this Act do not apply to the following persons:

- (1) Employees of a regionally accredited academic institution while performing their teaching, training or research duties;
- (2) Employees working in public or private non-profit organizations or institutions if they are being supervised by a licensed psychologist. The nature of an acceptable supervisory relationship shall be specified by the board in rules promulgated pursuant to chapter 1-26;
- (3) Students of psychology, psychological interns or persons pre-

paring for the practice of psychology in a training institution or facility approved by the board, if they are designated by the title "psychological trainee" or similar title which clearly indicates their training status;

- (4) Persons who are not residents of this state, and who have not established offices in this state, who render psychological services in this state for a period which does not exceed an aggregate of more than twenty days during any one year, if they are authorized under the laws of the state or country of their residence to perform these activities and services. If a provider exceeds ten consecutive days of practice in this state in any calendar year he shall report to the board, in writing, the nature and extent of his practice in this state;
- (5) Persons consulting in the specialty areas of experimental psychology, industrial/organizational psychology, developmental psychology, social psychology and research design. Individuals, who represent themselves as consulting in these specialty areas, must notify the board of the general nature of their activities, unless they are otherwise exempted by this section;
- (6) School psychologists and school psychological examiners certified by the division of elementary and secondary education practicing and functioning within the scope of their employment if they use the title "certified school psychologist" or "school psychological examiner";
- (7) Qualified physicians, surgeons, dentists, osteopaths, optometrists, chiropractors, podiatrists, attorneys, court employees, marriage counselors, family counselors, members of the clergy, mental health counselors, school counselors, rehabilitation counselors, employment counselors, guidance counselors or social workers doing work within the standards and ethics of

their respective professions if they do not hold themselves out to the public by any title incorporating the term "psychology".

Section 3. There is created a board of examiners of psychologists which shall consist of five members, one of whom shall be a lay member. The remaining four members are to be licensed psychologists broadly representing a cross section of the profession of psychology. All members shall be appointed by the Governor.

Section 4. Appointments to the board shall be of individuals qualified under section 5 of this Act. Initial psychologist members of the board shall complete an application for licensure required of applicants for licensure. The board shall act on the application of each initial appointee, with the appointee involved abstaining, in order for licensure to be granted to that appointee. The term "lay member" means a person who is not licensed by the board but who may use the services of a licensed psychologist, and the meaning shall be liberally construed to implement the purpose of this section.

Section 5. To be eligible for appointment to the board, a person, other than a lay member, shall have a doctoral degree from a regionally accredited university or college in a program in psychology and shall have had a supervised psychological internship amounting to not less than one thousand eight hundred hours in duration over a period of not more than two consecutive calendar years and shall have engaged in the postdoctoral practice of psychology in the state of South Dakota for not less than two years. The credentials of each psychologist on the board shall be documented and shall be public record as provided in chapter 1-27.

Section 6. Initial appointments to the board shall be for terms of one, two and three years, respectively, with one member appointed for one year, two members appointed for two years and two members appointed for three years. Thereafter, appointments shall be for terms

of three years, beginning on the first day of July.

Section 7. The Governor may remove a member of the board for cause. If there is a vacancy on the board caused by the death, resignation or removal from the state of a member or for any other reason, the Governor shall appoint a new member to serve the unexpired term. No member of the board may serve for more than two successive terms. The appointment of a member to an unexpired term is considered a full term.

Section 8. The initial board shall meet at Pierre, South Dakota, within one month after appointment and elect a president, vice president and a secretary from its members. Thereafter the board shall elect officers annually. The board shall meet at least once a year at a place and time determined by the president of the board. The secretary of the board shall be responsible for taking and keeping the minutes of all board meetings.

Section 9. The board of examiners of psychologists shall be within the department of commerce and shall exercise all its prescribed functions. The department of commerce shall provide all administrative functions other than those of the board member serving as secretary. The expenses of the department of commerce, ~~other than personnel expenses,~~ shall be paid from the account established in section 38 of this Act, on vouchers approved by the secretary of the department of commerce and the board member secretary. The board shall submit records, information and reports in the form and at the time required by the secretary of commerce. The board shall also approve an annual report as required by chapter 1-28.

Section 10. After January 1, 1982, no person may represent himself as a psychologist, or engage in the practice of, or attempt to practice, psychology by using the title of "psychologist" unless licensed pursuant to the provisions of this Act or exempted under the provi-

-6.-

sions of section 2 of this Act.

Section 11. A psychologist licensed by another state may practice within this state for a maximum period of six months, during which time his credentials must be reviewed and his application for licensing accepted or denied. Within thirty calendar days after the commencement of his practice in this state, he shall apply to the board for licensing. The board, upon application and payment of the license fee, shall license any individual who is licensed by any other country, state, territory or possession of the United States, if the license was issued under the minimum requirements of this Act and who has practiced at least five years in such jurisdiction.

Section 12. The board shall issue a license as a psychologist to an applicant who:

- (1) Has a doctoral degree from a regionally accredited university or college in a program in psychology; and
- (2) Has passed an examination specified by the board for this purpose; and
- (3) Has had a supervised psychological internship amounting to not less than one thousand eight hundred hours in duration over a period of not more than two consecutive calendar years and one year of postdoctoral psychological experience.

Section 13. An applicant for licensure as a psychologist is exempt from the requirement of a doctoral degree in a program in psychology as listed in section 12 of this Act if, for one year immediately preceding January 1, 1982, he has formally and consistently represented himself to the public as a psychologist, has a master's degree in psychology or primarily psychological in nature, and has spent the majority of his working hours in the practice of psychology, and if the board receives the application for licensure on or before January 1, 1982.

Section 14. An applicant for licensure as a psychologist is exempt from the examination requirement of section 12 of this Act if the board receives the application for licensure on or before January 1, 1982.

Section 15. An applicant for licensure as a psychologist is exempt from the requirement of a psychological internship as listed in section 12 of this Act if he has one year of psychological experience, and if the board receives the application for licensure on or before January 1, 1982.

Section 16. To qualify for the exemptions specified in sections 13, 14 or 15 of this Act, the applicant for licensure shall have lived in South Dakota for one year preceding the time the board receives the application for licensure.

Section 17. An applicant for licensure as a psychologist is exempt from the requirements of section 12 of this Act if he holds a diploma issued by the American Board of Professional Psychology.

Section 18. By a unanimous vote of the board an applicant for licensure as a psychologist may be required to demonstrate competence in only three of the four substantive areas of study referred to in the definition of a program in psychology in section 1 of this Act. This is contingent upon the applicant submitting a satisfactory proposal outlining how he intends to remediate the deficiency in the fourth substantive area.

Section 19. The fee to be paid by an applicant for a license to practice psychology shall be set by the board in rules adopted pursuant to chapter 1-26. Such fee may not exceed three hundred dollars.

Section 20. An applicant failing to pass an examination required by this Act shall be entitled to reexamination within six months upon payment of an additional fee, not to exceed two hundred dollars, to be set by the board in rules adopted pursuant to chapter 1-26. One

reexamination exhausts the privilege under the original application.

Section 21. In applying for licensing, an applicant shall apply on forms prescribed by the board. The board shall require that the application be verified by a notary public. The license fee shall accompany the application. The board shall require each applicant to give evidence of the quality, scope and nature of the applicant's experience and education. The application and all supporting evidence shall be public record as provided in chapter 1-27.

Section 22. The board shall hold examinations at least semiannually at a place designated by the board. The type of examination, including a national standardized examination, required shall be determined by the board.

Section 23. The license issued by the board shall contain the full name of the licensee and shall bear a serial number and the address of the person licensed. The license shall be signed by the president and the secretary of the board under the seal of the board. Licenses shall be conspicuously displayed at the licensee's primary place of practice within thirty days after issuance.

Section 24. The license shall be renewed biennially by payment of a fee, not to exceed two hundred dollars, to be determined by the board. The failure of a licensee to renew his license on or before the first day of July of the year of expiration shall constitute a forfeiture. However, a person who forfeits his license may have it restored by making written application and payment of the required renewal fee prior to the first day of January of the next year, following notification from the board.

Section 25. The board shall adopt a code of ethics for psychologists licensed under this Act which may be the current code of ethics of the American Psychological Association.

Section 26. The board shall maintain a record of the continuing

education for each licensee. A report of the continuing education shall be a part of the renewal application for licensure. The type and amount of continuing education required shall not exceed six continuing education units per year and shall be set by the board in rules adopted pursuant to chapter 1-26.

Section 27.

Section 28. The board shall recommend to the attorney general the bringing of civil actions to seek injunctions and other relief against violations of this Act.

Section 29. The license of a psychologist may be revoked or suspended or denied upon any of the following grounds:

- (1) The licensee is guilty of fraud or deceit in his admission to practice or in the practice of psychology;
- (2) The licensee has been convicted of a felony during the past five years. "Felony" means an offense which, if committed in South Dakota, would be a felony under South Dakota law;
- (3) The licensee is engaged in the practice of psychology under a false or assumed name and has not registered that name pursuant to chapter 37-11, or is impersonating another practitioner of a like or different name;
- (4) The licensee is using intoxicating liquors, narcotics or stimulants to such an extent as to impede him from the performance of his professional duties;
- (5) The physical or mental condition of the licensee is determined to be such as to jeopardize or endanger those who seek the professional services of the licensee. By majority vote of the entire board, the board may demand a physical or mental examination of a licensee. The failure to submit to the examination is immediate grounds for the suspension of the licensee's license;

- (6) The licensee has been found in violation of the code of ethics adopted by the board;
- (7) The licensee has obtained or attempted to obtain a license, certificate or renewal thereof by bribery or fraudulent representation;
- (8) The licensee knowingly made a false statement in connection with any application required by this Act;
- (9) The licensee lacks required training or fails to meet the continuing education requirements set by the board;
- (10) The licensee knowingly made a false statement on any form promulgated pursuant to this Act; or
- (11) The licensee has violated any provision of this Act or the rules promulgated by the board.

Section 30. The proceedings for suspension or revocation of a license may be initiated when the board has information that any person may have been guilty of any misconduct listed in section 29 of this Act. At least four members of the board must be present at a hearing to suspend or revoke a license, or to reissue a license which has been revoked or suspended. All proceedings relative to the revocation or suspension of a license shall conform to the procedure set forth in chapter 1-26.

Section 31. The decision of the board of examiners to suspend or revoke a license requires a majority vote of all the board members.

Section 32. Any person aggrieved by an act, ruling or decision of the board may appeal pursuant to chapter 1-26.

Section 33. Upon written application establishing compliance with existing licensing requirements and for reasons the board deems sufficient, the board for good cause shown, by majority vote, may, under the conditions it may impose, reinstate or reissue a license to any person whose license has been suspended or revoked.

Section 34. A person violating the provisions of this Act may be enjoined from further violations by an action brought by the state's attorney of the county where the violations occurred or by action brought by any citizen in this state. The attorney general, the board or the state's attorney may apply to the circuit court for the county in which a violation of this Act is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts.

Section 35. The board shall investigate every alleged violation of this Act. The board may employ special counsel, subject to approval, supervision, control and direction by the attorney general, to assist in the prosecution of violations of this Act, and to spend the necessary funds for that purpose.

Section 36. The department of commerce shall keep a record of the names of all persons licensed under this Act, the license number of each, the date of each license and renewal and other matters of record. A transcript of any record therein or a license that is entered therein, the name, license number and date of granting or renewal of that license to a person charged with a violation of any of the provisions of this Act, certified by the president and the secretary, shall all be admitted as evidence in any of the courts of the state of South Dakota. The original books, records and papers of the board shall be kept at the office of the department of commerce and another copy shall be filed with the secretary. The secretary shall furnish to any person making application therefor, a copy of any record certified by him as secretary, upon payment of a fee to be established by the board in rules adopted pursuant to chapter 1-26.

Section 37. The board members shall be paid per diem and reimbursed expenses at a rate not to exceed the same rate as other state employees while engaged in their official duties.

Section 38. All money coming into the custody of the board each calendar month shall be paid to the state treasurer on or before the tenth day of the next month. The state treasurer shall keep the money in a separate account for the South Dakota board of examiners of psychologists. The money in that account is continuously appropriated to the board for administering and enforcing this Act. The total expense incurred may not exceed the total money collected by the board under the provisions of this Act.

Section 39. The confidential relations and communications between a licensed psychologist and a person consulting him in his professional capacity are confidential. Nothing in this Act may be construed as to require those privileged communications to be disclosed; nor may a psychologist's secretary, stenographer or clerk be examined without the consent of his employer concerning any fact, the knowledge of which he has acquired in such capacity.

Section 40. The members or the board, and those acting in the name of the board, when carrying out their duties under this Act, and those testifying before the board in good faith, may not be held personally liable and the board may insure itself against liability.

Section 41. That § 1-35-8 be amended by adding thereto a new subdivision to read as follows:

(21) The board of examiners of psychologists created by this Act.

ARTICLE 20:60

PSYCHOLOGISTS

Chapter

- 20:60:01 to 20:60:04 Repealed.
- 20:60:05 Application procedure.
- 20:60:06 Eligibility.
- 20:60:07 Standards of behavior.

Code Commission Note: Chs 20:60:01 to 20:60:04, inclusive, were voided when the authority of the board of examiners of psychologists to promulgate rules was repealed by SL 1978, ch 4, § 2(3). See SDCL 1-26-8.1.

CHAPTER 20:60:05

APPLICATION PROCEDURE

Section

- 20:60:05:01 Fee for initial licensure under SDCL 36-27A-13.
- 20:60:05:02 Fee for initial licensure with examination.
- 20:60:05:03 Reexamination fee.
- 20:60:05:04 Renewal fee.
- 20:60:05:05 Application forms.
- 20:60:05:06 Written examination.
- 20:60:05:07 Oral examination.
- 20:60:05:08 Passing scores for examinations.
- 20:60:05:09 Fee for copies of records.

20:60:05:01. Fee for initial licensure under SDCL 36-27A-13. The fee for initial licensure under SDCL 36-27A-13 is \$300. This fee is nonrefundable.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-19.

Law Implemented: SDCL 36-27A-19.

20:60:05:02. Fee for initial licensure with examination. Candidates for licensure under SDCL 36-27A-12 shall pass a written and oral examination. The fee for initial licensure by examination is \$300.

The board shall refund to the applicant \$150 of the \$300 fee if the applicant notifies the board of his intention not to take the examination at least 30 working days before the scheduled examination date or if the initial application indicates that the applicant is ineligible for licensure.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-19.

Law Implemented: SDCL 36-27A-19.

20:60:05:03. Reexamination fee. An applicant failing to pass either or both portions of the initial written or oral examination is entitled to reexamination of the failed portion within six months upon payment of \$125.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-20.

Law Implemented: SDCL 36-27A-20.

20:60:05:04. Renewal fee. The license shall be renewed biennially upon payment of \$150.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-24.

Law Implemented: SDCL 36-27A-24.

20:60:05:05. Application forms. To qualify for licensure under SDCL 36-27A, the applicant shall complete and submit to the board an application form approved by the board. The form shall contain the following information:

- (1) Name, address, and telephone number;
- (2) Date and place of birth;
- (3) A description of licenses held in other states;
- (4) A request for reciprocity, if applicable;
- (5) Date and circumstances of previous Professional Examination Service examination;
- (6) A statement of any psychology licensure denied;
- (7) A statement of any professional sanctions as a psychologist;
- (8) A statement of any criminal record;
- (9) A statement of education and training;
- (10) Official educational transcripts;
- (11) A description of internship;
- (12) A description of professional experience;
- (13) Compliance with SDCL 36-27A-12 unless exempted; and
- (14) Notarized signature of applicant.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-21.

Law Implemented: SDCL 36-27A-21.

20:60:05:06. Written examination. The written examination shall be a national standardized examination. Examination dates shall be set one year in advance. Complete applications shall be received six weeks before the actual testing date.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-22.

Law Implemented: SDCL 36-27A-22.

20:60:05:07. Oral examination. The oral examination shall focus on ethical issues as they relate to the clinical practice of psychology. The applicant shall be scored in the oral examination by a majority of the

board members present. A minimum of four board members shall be present during the oral examinations.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-22.

Law Implemented: SDCL 36-27A-22.

20:60:05:08. Passing scores for examinations. In order to qualify for licensure, the applicant shall achieve a minimum of 75 percent on the oral examination and a minimum of one standard deviation below the national mean on the written examination.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-22.

Law Implemented: SDCL 36-27A-22.

20:60:05:09. Fee for copies of records. Upon written request, the department of commerce will provide copies of certified records. A fee of \$.50 per page is payable in advance.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-35.

Law Implemented: SDCL 36-27A-35.

CHAPTER 20:60:06

ELIGIBILITY

Section

20:60:06:01 Supervisory relationship.

20:60:06:01. Supervisory relationship. An acceptable supervisory relationship consists of supervision by a psychologist licensed in South Dakota. Supervisors do not need to be actual employees of the organization or institution. The supervisor shall spend a minimum of two hours per month in person with each individual that he supervises.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-2(2).

Law Implemented: SDCL 36-27A-2(2).

CHAPTER 20:60:07

STANDARDS OF BEHAVIOR

Section

20:60:07:01 Code of ethics.

20:60:07:01. Code of ethics. The code of ethics for the board of examiners of psychologists is the code of ethics of the American

Psychological Association (June, 1981).

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-25.

Law Implemented: SDCL 36-27A-25.

Reference: "Ethical Principles of Psychologists," American Psychologist, Vol. 36, No. 6, pages 633-638 (June, 1981). Copies may be obtained from the American Psychology Association, 1200 - 17th Street, NW, Washington, D.C. 20036; \$.65 per copy.

*Please see below
and page 5 of the*

North Dakota Statutes, State Board of Psychologist Examiners

Office of the Secretary

Box 7187
University Station
Grand Forks, N. D. 58202

Re: APPLICATION FOR LICENSURE AS A PSYCHOLOGIST

Enclosed is an application for licensure as a psychologist in the State of North Dakota. The three forms are to be given to your endorsers who are to return them directly to me. At the time you return the application, a check for \$150 (non-refundable) should be enclosed. It should be made out to the North Dakota Board of Psychologist Examiners, and will be deposited into the Bank of North Dakota.

As soon as transcripts, endorsements, and your application have been received, the material will be presented to the Board for its action. The North Dakota law has three basis requirements:

1. the doctoral degree in psychology (or substantial equivalent)
2. Successful performance on a national examination (Examination for Professional Practice in Psychology)
3. An oral examination as determined by the Board.

*Note: No experience
required.*

At the present time, the Board has set the cutoff score for successful performance on the national examination at 1/2 standard deviation below the mean for "All Doctoral First-Time" candidates. The Board shall determine an acceptable level of performance for the oral examination and a majority decision of the Board is required for the issuing of a license. North Dakota law permits reciprocity provided the standards of the state issuing the license are not lower than those of North Dakota.

If you have been licensed in another state, or have already taken the EP?P, please have your license board provide the scores, as well as the place, and form of the examination.

The examinations are given twice a year, April and October (both written and oral), and the Board meets in conjunction with those examinations. Your file must be complete by March 1, 1986 to be presented to the Board to determine your eligibility for examination on April 11.

If you have any questions, please contact me at the above address, or by telephone (701) 777-3451.

Sincerely,

Ruth N. Smith
Ruth N. Smith
Executive Secretary

enc.

Chapter 43-32 North Dakota Century Code

pertaining to Psychologists

Section			
43-32-01	Definitions	43-32-18	Licensing of psychologists without examination -
32-32-02	State board of psychologist examiners - How appointed -		Qualifications of applicants
	Qualifications	43-32-19	Licensing of psychologists from other states
43-32-03	Tenure of members - Vacancies and oath of office	43-32-20	Licensing - Written and oral examination - Qualifications of applicants
43-32-04	Removal of members	43-32-21	Consideration of application and notice to applicant
43-32-05	Compensation of members - Expenses of board and members thereof	43-32-22	Time and place of examination
43-32-06	Officers of the board.	43-32-23	Scope and grading of examination
43-32-07	Meetings of board - Seal of board	43-32-24	Notice to applicant of examination results and right to reexamination
43-32-08	Rules and regulations	43-32-25	Retention of examination
43-32-09	Examination of qualifications of applicants	43-32-26	Issuance and display of license
43-32-10	Power of board to administer oaths - Conduct hearings - Summon witnesses - Take testimony	43-32-27	Denial-Revocation of suspension of license- Grounds
43-32-11	Annual reports	43-32-28	Notice - Hearing - Findings of fact and order.
43-32-12	Application and license fee	43-32-29	Appeal from decision of board
43-32-13	Annual license and fee	43-32-30	Persons exempt from the provisions of this chapter.
43-32-14	Payment of delinquent license fees - Reinstatement	43-32-31	Violation - Penalty - Injunction
43-32-15	Deposit and disbursement of fees - Repealed	43-32-32	Drugs-Medicine
54-44-12	Deposit and disbursement of funds of occupational and professional boards - Appropriations		
43-32-16	Board to keep records		
43-32-17	License required		

43-32-01 Definitions. -

1. "Board" shall mean the North Dakota state board of psychologist examiners.
2. "Psychologist" shall mean a person who holds himself out to the public by any title or description of services representing himself as a psychologist which incorporates the word "psychological", "psychologist", or "psychology", or a person who describes himself as above and, under such title or description, offers to render or renders service involving the application of principles, methods, and procedures of the science and profession of psychology to persons for compensation or other personal gain.
3. "Psychology" shall mean the application of established principles of thinking, learning, motivation, perception and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment by persons trained in psychology. The application of said principles includes, but is

not restricted to, counseling, and behavior modification with persons or groups with adjustment problems in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; and doing research on problems relating to human behavior.

4. "School or college" means any university or other institution of higher learning that is accredited by a regional accrediting association, offering a full-time graduate course of study in psychology.

Source: S.L. 1967, ch. 357, pl
Cross-References

Collateral References

Validity of legislation regulating, child abuse or neglect, duty to report, licensing or providing for certification of psychologists, 81 ALR 2d 791
Privileged communications between psycho-therapist and patient, see N.D.R. Evid., Rule proceedings, arising from relationship 503. Report of injuries, duty of mental health between psychiatrist or psychologist and professionals to make, see p 43-17-41. patient, 44 ALR 3s 24.

43-32-02. State board of psychologist examiners - How appointed - Qualifications

The governor shall appoint a state board of psychologist examiners consisting of five members, each of whom shall have the following qualifications.

1. Be a resident of this state.
2. After the first five appointments, shall be a licensed psychologist under this chapter.
3. Has, at least five years prior to appointment, received a doctorate degree in psychology from a school or college as defined in this chapter.
4. Has been actively engaged in the practice of teaching or research of psychology for a period of at least five years.
5. As to at least one member, is currently engaged primarily in rendering service in psychology and as to at least one member, is engaged primarily in teaching, training, or research in psychology.

Source: N.D.C.C.; S.L. 1981, ch. 435, pl9.

43-32-03 Tenure of members - Vacancies and oath of office - After the first five appointments the term of office of each member of the board shall be three years, and until his successor is appointed and qualified. The terms of the first members of the board shall expire as follows: one member, June 30, 1968; two members June 30, 1969; and two members June 30, 1970. The governor shall fill all vacancies by appointment but in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only. A person appointed to the board shall qualify by taking the oath required of civil officers.

Source: S.L. 1967, ch. 357, p3

Cross-Reference.

Oath of civil officers, see p44-01-05

43-32-04 Removal of members - The governor may remove any member of the board for unprofessional conduct, incompetency or neglect of duty after giving such member a written statement of the reasons for removal and after such members has had an opportunity to be heard thereon.

Source: S.L. 1967, ch 357, p4

Cross-Reference

Removal of officers by governor, see ch 44-11.

43-32-05 Compensation of members - Expenses of board and members thereof. - Each member of the board shall serve without compensation but he shall receive such mileage and travel expenses while engaged in the performance of the duties of his office as is provided in section 54-05-09. The secretary of the board shall receive such salary or other compensation, and such allowances for clerical and other expenses of the board, as the board shall determine.

Source: S.L. 1967, ch. 357, p 5

Cross-References

Advances for travel expenses, see
p. 44-08-04.2

Claims for travel expenses, see
p 44-08-04

Limitation on claims for travel
expenses, see p 44-08-03

Out-of-state travel, prior authorization
required, see p 54-06-10.

Per diem allowance for long-term travel,
see p 44-08-04.1

43-32-06 Officers of the board. - The board shall elect annually a president and
vice president from its own number and a secretary who need not be a member of
the board.

Source: S.L. 1967, ch. 357, p6.

43-32-07 Meetings of board - Seal of board. - The board shall hold at least one
regular meeting each year. Additional meetings may be held upon call of
the president or at the written request of the governor or of any two members
of the board. The meetings shall be held at such places as the board may
designate. The board shall have a seal.

Source: S.L. 1967, ch. 357, p 7.

43-32-08. Rules and regulations. - The board may from time to time adopt such
rules and regulations not inconsistent with law, as may be necessary to enable
it to carry into effect the provisions of this chapter, which may include a code
of ethics for psychologists in the state.

Source: S.L. 1967, ch. 357, p8.

Cross-Reference

Administrative Agencies Practice Act,
see ch. 28-32.

43-32-09 Examination of qualifications of applicants. - The board shall examine for,
deny, approve, revoke, suspend and renew the licensing of applicants as
provided under this chapter.

Source: S.L. 1967, ch. 357, p 9

Collateral References

Physicians and Surgeons 3,5
61 Am. Jur. 2d, Physicians, Surgeons,
and Other Healers, pp9-29.
70 C.J.S. Physicians and Surgeons,
pp 8, 13

Validity of legislation regulating,
licensing or providing for certification of
psychologists, 81 ALR 2d 791

Single or isolated transaction as falling
within provisions of licensing requirements,
93 ALR 2d 129.

43-32-10. Power of board to administer oaths - Conduct hearings - Summon witnesses -
Take testimony. - The members of the board and the secretary may administer oaths.

The board may summon witnesses as provided in section 43-17-09 and 43-17-10,
and take testimony in all matters relating to its duties, including the enforcement
of the provisions and purposes of this chapter and the rules and regulations
adopted by the board.

Source: S.L. 1967, ch. 357, p 10

43-32-11. Annual reports. - Each year, the board shall transmit to the governor, with
a copy thereof to the secretary of state and to the North Dakota psychological
association, a full report of all activities under this chapter, together with a
report of all receipts and disbursements.

Source: S.L. 1967, ch 357, p 11

43-32-12 Application and license fee. - The application fee for licensing by
written and oral examination and by reciprocity shall be determined by
regulation of the board. No fee shall be refundable in whole or in part except
for failure of the board to hold examinations at the time originally announced,
in which event the entire fee shall be refunded upon demand by the applicant.

Source: S.L. 1967, ch 357, p 12

43-32-13. Annual license and fee. - On or before January first of each year, every
licensed psychologist in the state shall pay to the secretary of the board
an annual license fee to be determined by regulation of the board not to
exceed one hundred dollars. The secretary of the board, upon payment of the
annual license fee by a person licensed under this chapter, shall issue a
certificate of annual license. No person shall hold himself out as a licensed
psychologist until the annual license fee has been paid. The violation of
this section shall be cause for revocation of his license by the board. The
board shall annually mail a renewal notice to all licensed psychologists.

Source: S.L. 1967, ch. 357, p 13.

43-32-14. Payment of delinquent license fees - Reinstatement. - Any person who has
been a licensed psychologist in this state under the provisions of this chapter,
and who has had his license revoked because of his failure to pay the annual
license fee, shall be reinstated and his license renewed by his paying to the
secretary of the board the amount of the annual license fees in which he is then
in default.

Source: S.L. 1967, ch. 357, p 14.

43-32-15 Deposit and disbursement of fees. - Repealed.

54-44-12. Deposit and disbursement of funds of occupational and professional boards -
Appropriation. All occupational and professional boards, associations, and
commissions created by law shall deposit all fees and other moneys received
in any bank selected by the majority vote of the governing body of the board,
association, or commission. Checks may be drawn against the bank account, opened
pursuant to this section, for the authorized expenditures of the board, association,
or commission opening the account.

Source S.L. 1971, ch. 510, p 14

43-32-16. Board to keep records. -

1. The board shall keep a record of its proceedings and a register of all
applicants for licensing which shall show:
 - a) The name, age and residence of each applicant
 - b) The date of the application
 - c) The place of business of such applicant
 - d) A summary of the educational and other qualifications of such applicants
 - e) Whether or not an examination was required
 - f) Whether or not license was granted
 - g) The date of the action of the board.
 - h) Such other information as may be deemed necessary or advisable by the board
in aid of the above requirements.
2. The records of the board shall be public records and evidence of the
proceedings of the board set forth therein, and a transcript thereof, duly
certified by the secretary of the board, bearing the seal of the board, shall
be admissible in evidence with the same force and effect as if the original
were produced.

Source: S.L. 1967, ch 357, p 16

Cross-Reference

Admissibility of public records, see
N.D.R. Evid., Rule 1005

43-32-17. License required. - No person shall hold himself out as a psychologist in this state after July 1, 1968, unless he has obtained from the board a license to do so under the provisions of this chapter.

Source: S.L. 1967, ch 357, p 17

Collateral References

Physicians and Surgeons 5.

61 Am. Jur. 2d, Physicians, Surgeons, and other Healers, pp 9-29.

70 C.J.S. Physicians and Surgeons, p 8

43-32-18 Licensing of psychologists without examination - Qualifications of applicants.

1. For a period of one year from July 1, 1967, the board shall waive examination of a candidate for licensing if it appears that such action is in the public interest, and it shall issue a license upon payment of the required fee, to any applicant who makes application and furnishes evidence satisfactory to the board that he:

- a) is of good moral character
- b) is not found by the board to be engaged in unethical practices
- c) has received a doctorate in psychology from an accredited school or college or has training deemed equivalent by the board in both subject matter and extent of training.

2. At its discretion, the board may at any time issue a license without examination, upon payment of the required fee, to any diplomate of the American board of examiners in professional psychology

43-32-19. Licensing of psychologists from other states. - Upon application and accompanied by the required fee, the board may, without written or oral examination, issue a license to any person who at the time of application furnishes evidence satisfactory to the board that he is licensed or certified as a psychologist by a similar board of another state whose standards, in the opinion of the board, are not lower than those required by this chapter.

Source: S.L. 1967, ch 357, p 19

Collateral References

License regulations discriminating against nonresidents, 112 ALR 68

43-32-20. Licensing - Written and oral examination - Qualifications of applicants.

The board shall issue a license as a psychologist to each applicant who shall file an application upon a form and in such a manner as the board prescribes, accompanied by the required fee, and who furnishes evidence to the board that he:

1. is of good moral character.
2. is not found by the board to be engaged in unethical practices
3. has received from an accredited school or college as defined by this chapter a doctorate, with a program of studies substantially psychological in nature.
4. demonstrates professional competence as shown by passing such examination, written or oral, or both, as the board deems necessary.
5. has not, within the preceding six months, failed an examination given.

Source: N.D.C.C.: S.L. 1981, ch 435, p 21

43-32-21. Consideration of application and notice to applicant. - Upon investigation of the application and other evidence submitted, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensing is satisfactory and accepted, or unsatisfactory and rejected. If rejected, said notice shall state the reasons for such rejection.

Source: S.L. 1967, ch. 357, p 21.

43-32-22. Time and place of examination. - The time and place of examination shall be designated by the board and notice thereof shall be given to each applicant. Such examinations shall be given annually and at such other times as in the opinion of the board the number of applicants warrants.

Source: S.L. 1967, ch. 357, p 22.

43-32-23 Scope and grading of examination. - The board shall determine the subject and scope of specialized psychological areas and techniques for examination. Written examinations may be supplemented by such oral examinations as the board may determine. The board shall determine an acceptable level of performance for each examination and a majority decision of the board is required for the issuing of a license. To ensure impartiality, the written examination shall be identified by numbers and no paper shall be marked in the name of any applicant, but shall be anonymously graded by the board.

Source: S.L. 1967, ch. 357, p 23

43-32-24. Notice to applicant of examination results and right to reexamination. - The board shall state in writing its reason for refusal of a license to any applicant who has been so denied. An applicant who fails his examination may be reexamined at a subsequent examination upon again paying the required examination fee.

Source: S.L. 1967, ch 357, p 24.

43-32-25. Retention of examination. - The board shall keep the written examination papers and an accurate recording of the questions and answers relating to the oral examinations and the grade assigned to each answer thereof as a part of its records for at least two years subsequent to the date of the examination.

Source: S.L. 1967, ch. 357, p 25.

43-32-26. Issuance and display of license. - The board shall be the sole agency empowered to examine competence in the practice of psychology. Such license certification shall show the full name of the licensee, have a serial number and be signed by the president of the board and attested by the secretary under the board's adopted seal. The license issued by the board under the provisions of this chapter shall be prominently displayed at the principal place of business where the psychologist practices.

Source: S.L. 1967, ch. 357, p 26.

43-32-27. Denial - Revocation or suspension of license - Grounds. -

The board shall, after notice and hearing and by an affirmative vote of at least three of its five members, shall withhold, deny, revoke, or suspend any psychologist license issued or applied for in accordance with the provisions of this chapter, or otherwise discipline a licensed psychologist, upon proof that the applicant or licensed psychologist:

1. has been convicted of an offense determined by the board to have a direct bearing upon a person's ability to serve the public as a psychologist, or where the board determines, following conviction of any offense, that a person is not sufficiently rehabilitated under section 12.1-33-02.1
2. in using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a professional psychologist with safety to the public.

3. Has impersonated another person holding a psychology license or allowed another person to use his license.
4. Has used fraud or deception in applying for a license or in taking an examination provided for in this chapter.
5. Has allowed his name or license issued under this chapter to be used in connection with any person or persons who perform psychological services outside the area of their training, experience or competence.
6. Is legally adjudicated insane or mentally incompetent, the record of such adjudication being conclusive evidence thereof.
7. Has engaged in any form of unethical conduct as defined in "Ethical Standards for Psychologists" as adopted and published by the American psychological association, 1953, and as revised.
8. Has become grossly negligent in the practice of his profession.
9. Has willfully or negligently violated any of the provisions of this chapter.

The suspension by the board of the license of a psychologist shall be for a period not exceeding one year. A person who has been refused a license, or whose license has been revoked, under the provisions of this section, may reapply for licensure after two years have elapsed from the date of such denial or revocation.

Source: S.L. 1967, ch 357, p 27, 1977, ch. 130, p 54.

Cross-References.

Definition of offense, see p 12.1-01-04 (21).

Nonpayment of annual license fee as grounds for revocation, reinstatement, see pp 43-32-13 43-32-14.

Collateral References

Physicians and Surgeons 10, 11.1-11.3.

51 Am. Jur. 2d, Physicians, Surgeons, and Other Healers, pp 44-84.

70 C.J.S. Physicians and Surgeons, pp 3, 16-18, 31-35.

Conviction, what amounts to, within statute making conviction ground for cancelling license, 113 ALR 1179.

Molo contendere or no vult, statute authorizing revocation of license upon conviction as applicable to conviction based on plea of, 152 ALR 287, 89 ALR 2d 606.

Revocability of license for fraud or other misconduct before or at the time of its issuance, 155 ALR 1138.

Admissibility and necessity of expert evidence in proceeding for revocation of license, 6 ALR 2d 675.

Validity of legislation regulating, licensing or providing for certification of psychologists, 81 ALR 2d 791.

Single or isolated transaction as falling within provisions of licensing requirements, 93 ALR 2d, 129.

Malicious prosecution predicated upon prosecution, institution or instigation of disciplinary proceeding against member of medical or allied profession, 39 ALR 3d 473

2. The board shall make its findings of fact and order and a copy of such findings and order shall be mailed to the psychologist involved by registered or certified mail with a return receipt requested. Such order shall be effective upon mailing.

Source: S.L. 1967, ch 357, p 28.

Cross-Reference
Administrative Agencies Practice Act,
see ch. 28-32.

41-32-29. Appeal from decision of board. - An appeal from the final decision of the board in any matter covered by this chapter may be taken to the district court of the county in which the decision was made in accordance with the provisions of chapter 28-32.

Source: S.L. 1967, ch. 357, p 29.

43-32-30. Persons exempt from the provisions of this chapter. The provisions of this chapter shall not apply to the following:

1. Any person in the employ of any federal, state, county or municipal agency, or other political subdivision, or any nonprofit corporation or educational institution presently chartered by this state, insofar as the activities and services of such person are a part of the duties of his office or position with such agency, nonprofit corporation or institution. This exemption shall not be available or effective after July 1, 1970, provided, however, that such exemption period shall be extended by the board in individual cases where hardship or other good cause is shown by the agency, nonprofit corporation or institution covered hereby, or where the person affected hereunder has received from a school or college as defined herein, a master's degree in psychology and his activities and services with such agency, nonprofit corporation or institution are performed under the supervision of a licensed psychologist.
2. A student, intern or resident in psychology pursuing a course of study in psychology at a school or college as defined in this chapter if such activities and services constitute a part of his supervised course of study.
3. A nonresident, duly licensed or certified in the state of his residence who does not practice psychology in this state for a period of more than thirty days in any calendar year.
4. Lecturers from any school or college who utilize their academic or research title when lecturing to institutions or organizations.
5. Any person employed by a public school whose activities and services are restricted to the practice of psychology in the district or service unit of employment. This exemption shall apply only when the person to be exempted has received a master's degree in school psychology from an accredited graduate training program. Standards will be established by mutual consent of the board and the department of public instruction.

Source: N.D.C.C. S.L. 1979, ch 473, p 1

43-32-31. Violation - Penalty- Injunction - Any person who violates any of the provisions of this chapter shall be guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction shall be available to restrain and enjoin violations of any provision of this chapter without proof of actual damages sustained by any person.

Source: S.L. 1967, ch. 357, p 31; 1975, ch. 106, p 505.

43-32-28. Notice- Hearing - Findings of fact and order, -

1. The board shall not withhold, deny, revoke or suspend any psychologist license for any cause listed in this chapter unless the person involved has been given at least thirty days' notice in writing by certified or registered mail, with return receipt demanded, of the charges against him and time and place of a public hearing by the board. The psychologist involved is entitled to be heard in his defense in person and with right of counsel and may produce testimony and may testify in his own behalf. A record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time. If the psychologist involved fails or refuses to appear, the board may proceed to hear and determine the charges in his absence.

43-32-32. Drugs - Medicine. - Nothing in this chapter shall be construed as permitting psychologists licensed under this chapter to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

Source: S.L. 1967, ch. 357, p 32

Cross-Reference

"Practice of medicine" defined,
see p 43-17-01.

Alabama

Please See Below

Revised July, 1984

Alabama Board of Examiners in Psychology

INFORMATION FOR APPLICANTS

The following information describes (1) application procedures, (2) examination procedures, and (3) general Board procedures. Please read carefully.

I. REQUIREMENTS FOR LICENSURE

Alabama Law Act # 535 (1963), (Amended 3/4/82) specifies the following requirements for licensure:

- A. Good moral character.
- B. At least 21 years of age.
- C. A doctoral degree from a department or school of psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards. ✓
- D. Competency in psychology as shown by passing such examinations, written or oral, or both, as the Board prescribes.
- E. No unethical behavior. (Note: no experience requirement.)

Appropriate other requirements, such as references and transcripts, are also specified by the Board's Rules and Regulations.

II. REQUIREMENTS FOR APPLICATION

- A. GENERAL REQUIREMENTS. You are required to submit the following items to the Executive Secretary of the Alabama Board of Examiners in Psychology:
 - 1. A completed and notarized application form.
 - 2. A check or money order made payable to the Alabama Board of Examiners in Psychology in the amount of \$125.00, as fee for application processing. If you are approved to take the Examination for the Professional Practice of Psychology, an additional examination fee of \$100.00 is required.
 - 3. Official transcripts of your entire training, to be sent directly from the registrars of the respective institutions. Isolated courses not contributing substantially to the degree need not be included.

4. Appropriate references. The application requires three references and one alternate. Names of PSYCHOLOGISTS ONLY should be supplied; at least two of your three references must be licensed or certified at the doctoral level in the state in which they reside. They should have sufficient familiarity with your education, ability and professional conduct to make the required assessment. The Board reserves the right to ask for additional references or to seek information from sources other than those supplied. (Current members of the Board of Examiners in Psychology are ineligible to act as references.)
 5. A Degree Validation form which you are to send to the registrar of the institution which granted your doctoral degree is enclosed. The registrar is then to forward this form directly to this board.
 6. A recent photograph of yourself.
- B. RECIPROCITY. If you are applying through reciprocity, you should indicate this in the space provided at the bottom of the first page of the application. The Board considers reciprocity only with states having statutory certification or licensing. The Alabama law provides that the state standards must not be lower than those in Alabama. These include (1) the doctorate degree from a department of, or school of psychology, from a recognized institution accredited by national and regional accrediting agencies as maintaining satisfactory standards, and (2) competency in psychology as shown by passing such examination, written or oral or both, as the Board shall prescribe.* (If you were previously licensed through a waiver of examination, or if your scores fall below the mean for all doctoral candidates at the time you took the EPPP, you will be required to take it before being licensed in Alabama, unless you are an ABPP diplomate.)

When your application is received, the Board will request information from the Board in the state where you are currently licensed concerning the date of examination, test scores and pertinent normative information, current license or certificate number, date of issuance of the license or certificate and statement that the license is current and in good standing at the time of this application. Reciprocity candidates are required to take the PSE, described in item IV, A below. An individual administration of this exam can be requested by reciprocity candidates if the standard October and April testing dates are inconvenient.

Candidates should be aware that licensure by reciprocity can not occur until all materials are received by the Board and the Board has the opportunity to review the file at a regularly scheduled Board meeting to determine admission to the PSE. This entire process takes about two to three months from the time the application is received by the Board. In some cases the time may be considerably longer. Applicants by reciprocity should therefore apply well in advance of their anticipated licensure and should not imply to employers that their license will be awarded automatically or at a particular time. (See Item III, C.)

*See Section IV, Examination

- C. ABPP DIPLOMATES. Alabama law permits waiver of the written examination for those who are Diplomates of the American Board of Professional Psychology. If you are applying on this basis, request the secretary of ABPP to certify your standing and to provide the date and certification number to the Executive Secretary of the Alabama Board. Such applicants should be noted in the space provided on the application.
- D. DOCTORATE NOT YET AWARDED. If you are applying just prior to receiving the doctorate, you can be screened to take the examination but cannot be licensed until the degree is actually conferred. In order to qualify to take the examination in these circumstances, you must have your university registrar notify the Board in writing that all requirements for the degrees are completed. A letter from your department or doctoral committee members will not suffice. In order to be licensed, you must have the registrar provide the Board with a copy of your transcript or other official document reflecting the awarding of the doctoral degree.
- E. LAPSED APPLICATION. If for any reason you allow your application to lapse uncompleted for a period of longer than one year, you will be required to request its reopening and to pay a second application fee.

III. EVALUATION OF APPLICATIONS

- A. REVIEW OF COMPLETED APPLICATIONS. The Board reviews and evaluates completed applications at its regular meetings, which are ordinarily scheduled on the second Friday of the odd-number months. Your credentials will be reviewed at the next regular meeting of the Board following completion of your application, i.e., all transcripts and reference forms and any other pertinent information received. Since it generally takes from six to eight weeks for transcripts and other materials to arrive and completed applications are screened one month prior to the exam, your application form must be received by August 1, for the October exam and by February 1, for the April exam. If found eligible to take the Examination for Professional Practice in Psychology (EPPP) and the Professional Standards Examination (PSE), you will be notified by letter prior to the examination. If applying through reciprocity or as a Diplomate of ABPP, you will be notified by letter of your licensure or of any remaining requirements. If you are ineligible to take the examination, you will be notified of this by letter.
- B. APA MEMBERSHIP. Membership in the American Psychological Association is not a determinant or qualification for licensure. However, adherence to the APA Code of Ethics is required.
- C. CAUTION. Since licensure is required in order to practice privately in Alabama, psychologists planning to work in Alabama should make application well in advance. No temporary license for practice is granted by the Board, and there is no provision for practicing psychology prior to licensure. Individuals, in anticipation of licensure, occasionally present themselves as being Psychologists

(e.g. placing this title on an office door or stationery, or advertising in the Yellow Pages under "Psychologists"). Since this is in violation of the licensing act and professional ethics, the Board will initiate appropriate legal action and will not consider an application for a period of one year after the presentation has been withdrawn. Any presentation of oneself as a psychologist or a provider of psychological services prior to licensure will be considered a violation of the Psychology Practice Act.

- D. **AREAS OF COMPETENCE IN PSYCHOLOGY.** You will be required to indicate in your competency statement in the application the areas in which you intend to practice. You are responsible for presenting proof of your competence in these areas on the basis of experience and/or academic preparation. These considerations are found on Principle 2b. of the APA Code of Ethics, i.e., "The psychologist recognizes the boundaries of his competence and the limitations of his techniques that fail to meet professional standards established in particular fields." Before you are able to initiate practice in a new area of competence, you must submit to the Board proof that you have acquired further education and/or supervised experience which would broaden your competence in that area. Please note that the "competency statement", once approved by the Board, will be released upon inquiry concerning your credentials, providing that you give written consent for this release on such occasion.

IV. EXAMINATION

- A. **FORM AND FEES.** The Alabama Board uses the Examination for Professional Practice in Psychology; this test is designed and approved by the American Association of State Psychology Boards and distributed and scored by the Professional Examination Service (PES) in New York City. The cost of the examination to the applicant is \$100.00 and is in addition to the application fee. The examination fee is paid at the time of notification of eligibility for examination.

All candidates are also required to pass the Professional Standards Examination (PSE), which is a brief multiple choice exam covering material from the (1) Alabama License Law, (2) The APA Code of Ethics, and (3) The APA Standards for Providers of Psychological Services. The passing criterion is 80% of the items correct. This exam will be administered following the EPPP. Applicants by reciprocity may request individual administration. The fee for this exam when individually administered is \$25. The APA Code of Ethics and Standards for Providers of Psychological Services can be obtained free of charge from APA.

- B. **LOCATION AND DATES.** The examination is administered at one central location, generally in Montgomery on the second Friday in October and April as specified by the American Association of State Psychology Boards.
- C. **SCORING.** Candidates taking the examination are identified by number only for purposes of scoring and retrieval of information.

The completed examination is returned to the Executive Secretary and forwarded to New York for scoring. It generally takes from three to four weeks to receive scores from the Professional Examination Service. No information concerning these scores is released to candidates until after the Board meeting at which scores are reviewed. Exam scores will not be released over the telephone.

- D. CRITERION FOR PASSING. After review of the examination scores, the Executive Secretary notifies the candidate of the Board's decision concerning licensure. Criterion for successful completion of the EPPP is attainment of the national mean for all doctoral candidates at the time of testing. Criterion for successful completion of the PSE is 80% of the items correct. Complete individual and normative data are released to the candidate at the time of notification.
- E. TIME OF TEST. The EPPP is scheduled for a 4 hour period followed by the PSE which generally takes less than a half hour.
- F. INTERSTATE REPORTING SERVICE. An Interstate Reporting Service (IRS) has been established in association with the Professional Examination Service to facilitate the endorsement of certificates and licenses among states and provinces. Although the Board of Examiners does not insist upon the use of the Service, candidates are strongly urged to register their examination scores with the IRS in order to facilitate accurate and prompt reporting of scores when reciprocal licensure is sought.

V. RE-EXAMINATION

- A. PROCEDURE. Any applicant who fails the examination has the option of taking it a second time, not less than six months from the date of the Board's review of the scores, nor more than twelve months from that date. If re-examination is accomplished in this time period, no new application or application fee is required. However, a second examination fee must be paid. A candidate taking the examination a second time will receive a different form of the exam.
- B. DISCRETIONARY REQUIREMENT FOR FURTHER PREPARATION. The Board may, at its discretion, require that a failed applicant who wishes to be re-examined first provide to the Board evidence of further study, education, or other preparation designed to increase the likelihood of his/her passing the examination. If such is required, the Board will so notify the candidate.

VI. GENERAL INFORMATION

- A. EXAMINATION OF INDIVIDUAL APPLICANTS BY THE BOARD. At its discretion, the Board may require a candidate to meet with the Board for the purpose of an oral examination. This may be required in cases where there is a question of unethical behavior by the applicant or where there is some question concerning training or qualifications.

- B. LICENSE RENEWAL. Once granted, a license is current for the remaining fiscal year. Annual renewal is required after the first year. The Board sends each licensee a notice of renewal on September 15 requiring payment of a \$50 renewal fee within thirty days. If the fee is not received, a second notice will be sent by certified mail. If a response is not forthcoming after 30 days, the license becomes invalid. Reinstatement will be made upon fee payment at any time before the following September 15, after which time, reapplication is necessary.
- C. KEEPING INFORMATION CURRENT. Since the accurate and efficient operation of the Board is dependent upon its maintaining up-to-date information on all candidates and licensees, all applicants and licensed individuals must inform the Board immediately of any change in their position and/or address.
- D. FURTHER INFORMATION ABOUT BOARD PROCEDURES. Any individual wishing information about policies and procedures of the Board of Examiners not herein described may inquire in writing.

VIII. FEE SCHEDULE

APPLICATION FEE	\$125.00
EXAMINATION FEE (EPPP)	100.00
PROFESSIONAL STANDARDS EXAMINATION	25.00
LICENSE RENEWAL FEE (Annual-October)	50.00
REPLACEMENT CERTIFICATE	COST
REGISTRATION OF ASSISTANTS	NO FEE
REGISTRATION OF PROFESSIONAL CORPORATIONS	25.00

IX. AVAILABLE INFORMATION (upon request)

GUIDELINES FOR THE EMPLOYMENT AND SUPERVISION OF ASSISTANTS (and application forms)

GUIDELINES FOR UNLICENSED INDIVIDUALS

INSURANCE CODE OF ETHICS (developed by the Alabama Psychological Association)

RULES FOR PROFESSIONAL ASSOCIATIONS/CORPORATIONS

RULES AND REGULATIONS - ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY (\$10.00)

CURRENT ROSTER OF LICENSED PSYCHOLOGISTS IN ALABAMA (\$5.00)

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1963)

Act No. 535

S. 195—McCain, Hornsby, Clark, Roberts,
McDow, Carter and Nichols

AN ACT

To regulate the practice of psychologists in Alabama as herein defined; to create a Board to be known as the "Alabama Board of Examiners in Psychology"; to prescribe the duties and powers of said Board; to provide for the examination, licensure, and regulation of psychologists; to fix penalties for the violation of this act; to impose license fees and to provide for the use of funds received.

Be It Enacted by the Legislature of Alabama:

Section 1 There is hereby created a Board to be known as the Alabama Board of Examiners in Psychology composed of five members, appointed by the Governor of this State within sixty days after the effective date of this act, in the manner and for the term of office as hereinafter provided. Said Board shall perform such duties and have such powers as the Act prescribes and confers upon it.

Section 2 As used in this act, the following terms mean: (a) a person practices as a "Psychologist" within the meaning of this act when he holds himself out to be a Psychologist and/or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics for such purposes as psychological evaluation or for such purposes as overall personality appraisal or classification, personality counseling, psychotherapy, or personality readjustment. (b) Nothing in this definition shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electro-shock or in any way infringing upon the practice of medicine as defined in the laws of this State. The psychologist who engages in psychotherapy must establish and maintain effective intercommunication with a psychologically oriented physician, usually a psychiatrist, to make provision for the diagnosis and treatment of medical problems by a physician with an unlimited license to practice the healing arts in this State. A psychologist must not attempt to diagnose,

prescribe for, treat, or advise a client with reference to problems or complaints falling outside the boundaries of psychological practice. (c) Nothing in this definition shall be construed as preventing qualified school counselors, vocational guidance counselors, vocational rehabilitation counselors, speech and hearing therapists, speech pathologists and audiologists, reading therapists or teachers of exceptional children from rendering to the public for remuneration services for which they are qualified by training and experience involving the techniques of interviewing, administering and interpreting tests of mental abilities, achievement, interests, and aptitudes for such purposes as evaluation or for educational or vocational guidance, selection or placement.

Section 3 It is specifically prohibited that any individual or organization shall present himself or be presented to the public by any title incorporating the name "psychological", "psychologist", or "psychology" other than so licensed by this Act, except that any psychological scientist employed by a recognized research laboratory, school, college, university or governmental agency may represent himself by the academic or research title conferred upon him by the administration of such laboratory, school, college or university or governmental agency. Nothing in this section shall be construed as permitting such persons to offer their services to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries, unless they have been licensed under this Act. Visiting lecturers from recognized laboratories, schools, colleges, universities, or governmental agencies are exempt from the provisions of this section and may utilize their academic or research title when presenting lectures or performing such consultation as might be required in their academic or research functions. Students of psychology, psychological interns, and other persons preparing for the profession of psychology under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern", "psychological trainee" or others clearly indicating such training status. No individual may employ or use the title "Licensed Psychologist" or imply in any way that he is licensed by the Board unless he is actually so licensed and registered under this Act.

Section 4. There is hereby created a State Board of Examiners in Psychology hereinafter referred to as the Board to consist of five members who shall be appointed by the Governor under conditions hereinafter set forth. At least two members shall be chosen from and shall be members of the faculty, with the rank of assistant professor or above, of the accredited colleges and

universities of the State and who are licensed or qualified for licensure under the provisions of this Act, and shall be primarily engaged in teaching, research and/or administration of psychology; three members shall be licensed psychologists or qualified for such licensure under the terms of this Act.

Said Board shall perform such duties and exercise such powers as this Act prescribes and confers upon it. No member of the Board shall be liable to civil action for any act performed in good faith in the performance of his duty as set forth in this Act. Original appointments to the Board shall be for terms as follows: one practicing psychologist for term of one year, one academic psychologist for a term of two years, one practicing psychologist for a term of three years, one academic psychologist for a term of four years, and one practicing psychologist for a term of five years. Vacancies shall be filled for any unexpired term and members shall serve until their successors are appointed and have qualified.

Board members shall be ineligible for reappointments for a period of five years following completion of their terms. Within thirty days after the effective date of this Act, the Executive Committee of the Alabama Psychological Association shall submit to the Governor a list of qualified candidates for the five positions on the Board: said list shall contain names of at least four qualified academic psychologists and six qualified practicing psychologists, from which the Governor will select the Board within sixty days. Subsequent appointments to the Board shall be made by the Governor in the following manner; not later than October 1 of each year the Executive Committee of the Alabama Psychological Association shall submit to the Governor the names of two qualified candidates for the position of the Board to be vacated by reason of expiration of term of office. From the two candidates the Governor shall appoint one member not later than January 1 to serve on the Board for a term of five years. Other vacancies occurring in the Board shall be filled for the unexpired term by appointment of the Governor from two candidates for each such vacancy submitted within thirty days after the vacancy occurs by the Executive Committee of the Alabama Psychological Association. Such appointments shall be made within thirty days after the candidates' names have been submitted. If the said Association shall fail to furnish the Governor with the said list of persons eligible for appointment to the Board, the Governor shall appoint such members of the profession of psychology hereto as may seem to him to be proper. Any Board members may be removed by the Governor after notice and hearing for incompetence, neglect of duty, malfeasance in office, or moral turpitude.

Immediately and before entering public duties of said office, the members of the Board shall take the constitutional oath of office and shall file same in the office of the Governor, who upon receiving said oath of office shall issue to each member a certificate of appointment. The Board shall have available for the Governor or his representative detailed reports on proceedings and shall make annual reports in such form as required by the Governor.

The Board shall elect annually a Chairman and Vice-Chairman. Each member shall receive all necessary expenses incident to holding meetings, provided however that expenses shall in no case exceed the fees collected by said Board. The Board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the Chairman or at the written request of any two members of the Board. Said Board shall adopt a seal which must be affixed to all certificates issued by the Board. The Board shall from time to time adopt such rules and regulations as they may deem necessary for the performance of their duties. Three members of the Board shall at all times constitute a quorum. The Board shall be empowered to hire such assistants as is necessary to carry on its activities within the limit of funds available to the Board, and shall be empowered to accept grants from foundations, individuals, and institutions to carry on its functions.

Section 5 Any person wishing to obtain the right to practice as Psychologist in this state, who has not heretofore been licensed to do so, shall, before it shall be lawful for him to practice psychology in this state, make application to the Board of Examiners in Psychology through the Chairman upon such form and in such manner as shall be adopted and prescribed by the Board. Unless such a person had obtained license as foresaid, it shall be unlawful for him to practice, and if he shall practice psychology without first having obtained such a license, he shall be deemed to have violated the provisions of this Act. A candidate for such license shall furnish the Board with satisfactory evidence that (a) he is of good moral character; (b) is at least 21 years of age; (c) has received a doctorate degree from a department of , or school of psychology , from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards, (d) is competent in psychology as shown by passing such examinations, written or oral , or both , as the Board will prescribe; (e) is not engaged in unethical practice as defined in the Code of Ethics of the American Psy-

chological Association: (f) has not within the preceeding six months failed an examination given by the Board, provided that the Board may in its discretion accept satisfactory substitute training and experience in lieu of that prescribed in subsection (c) above for a period of two years following the effective date of this Act.

Section 6. If any person shall hold himself out to the public as being engaged in the practice of psychology, such as clinical, consulting, industrial, educational or counseling psychology and shall not then possess in full force and virtue a valid license to practice as Psychologist under the provision of the Act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars. Nothing in this Act shall be construed to limit the professional pursuits of teachers in recognized public and private schools, clergymen, practioners of medicine, social workers, and guidance counselors, from full performance of their professional duties. However, in such performance any title must be in accord with the provisions of this Act. Students of psychology, psychological interns or other persons preparing for the profession of psychology may perform as a part of their training the functions specified in the provisions of this Act, but only under qualified supervision. Use of psychological techniques by business and industrial organizations for employment placement, evaluation, promotion or job adjustment of their own officers or employees or by employment agencies for the evaluation of their own clients prior to recommendations for employment is also specifically allowed. However, no industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in the provisions of this Act unless such services are performed or supervised by individuals duly and appropriately licensed under this Act.

Section 7 Examination of applicants for a license to practice psychology shall be made by the Board of Examiners in Psychology at least once a year according to methods and in such subject fields as may be deemed by the Board to be the most practical and expeditious to test the applicant's qualifications. The Board shall require the examinations to be written or oral, or both, provided that in any written examination such applicant shall be designated by a number instead of his name so that his identity shall not be disclosed to the members of the Board until the examination papers have been graded. The Board shall grade the written examinations returned by the candidates and shall keep them for at least one year. A candidate shall be held to have passed the examination upon the affirmative vote of

three or more members of the Board. Any unsuccessful candidate may upon written request to the Board, see his graded paper.

Section 8 For a period of two years from the effective date of this Act the Board may waive either or both an assembled examination or the other requirements of Section 5 if it deems such action to be in the public interest; and may grant the appropriate license upon payment of the required fee to any person who is qualified by experience to practice psychology, and who has engaged in such practice of a nature satisfactory to the Board for at least three years full time or its equivalent, within three years prior to the effective date of this Act. At its discretion the board may at any time waive the assembled examination and grant the appropriate license upon payment of the required fee to any person who meets the requirements of Section 5 and who is qualified by educational and professional attainments to the satisfaction of the Board if it deems such action to be in the public interest. The Board may also at its discretion grant a certificate without an assembled examination to any person residing or employed in the State who at the time of application is licensed or certified by a similar board of another State whose standards, in the opinion of the Board, are not lower than those required by this Act, or who has been practicing psychology in another State and has qualifications not lower than those required by this Act, and is able to satisfy the Board that to grant him a license would be in the public interest, or who has been certified by the American Board of Examiners in Professional Psychology.

Section 9 The Board of Examiners in Psychology may refuse to grant a certificate, or may recommend suspension of any such license for a definite period not to exceed one year, on the following grounds; to wit: the employment of fraud or deception in applying for a license or in passing the examination provided for in this Act; conviction of felony; the practice of psychology under a false or assumed name or the impersonation of another practitioner of a like or different name; habitual intemperance in the use of spirits, narcotics, or stimulants to such an extent as to incapacitate for the performance of his duties; violation of the medical practices act; upon recommendation of the Ethics Committee of the Alabama Psychological Association or of the American Psychological Association; or negligence or wrongful actions in the performance of his duties. Said Board may, upon satisfactory proof that any applicant or licentiate has been guilty of any of the above offenses, refuse to grant a certificate to said applicant or may recommend revocation of a license of said licentiate upon a vote of at least three members of the Board. After three years from the date of a revocation, an application

for reinstatement be made to the Board, and it may, upon favorable action by three of its members, recommend such reinstatement.

Section 10 The Board may not recommend suspension or revocation of licensure or refuse to issue or to renew any certificate for any cause listed in Section 9, unless the person accused has been given at least twenty days notice in writing of the charge against him and a public hearing by the Board. The written notice shall be mailed to the person's last known address, but the non-appearance of the person shall not prevent such a hearing. Upon such a hearing the Board may administer oath and procure by its subpoenas the attendance of witness and the production of relevant books and papers.

Section 11 Any action of, or ruling or order made or entered by the Board declining to issue a certificate, declining to recommend licensure or recommending suspension or revocation of a certificate or license shall be subject to review by the Courts of this State in the same manner, and subject to the same powers and conditions as now provided by law in regard to rulings, orders and findings of other quasi-judicial bodies in Alabama, where not otherwise specifically provided. No such appeal while pending appropriate court action shall supercede such revocation or suspension.

Section 12 There shall be paid to the Board chairman by each applicant for a permanent license fee of \$125.00. No part of any fee shall be returnable under any circumstances other than failure of the Board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees as outlined in Section 13 of this Act, and all gifts or grants shall be deposited in the State Treasury to the credit of the Board. There is hereby appropriated from the funds to the credit of said Board to be used for printing, travel expense of the Board and for other necessary expenses such sums as are necessary to carrying out the provisions of this Act. Vouchers in payment of expenses shall be drawn on the State Comptroller signed by the Chairman of the Board.

Section 13 The Board of Examiners in Psychology shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. Said Board shall be the sole agency in this State empowered to certify concerning competence in the practice of psychology and the sole board empowered to recommend licensure for the practice of psychology. No individual shall be issued a license for the practice of psychology who has not been previously certified by the Board of Examiners in Psychology. The Board of Examiners in Psychology

shall certify as competent to practice psychology all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this Act and the rules and regulations of the Board. Such certification shall be signed by the chairman of the Board of Examiners in Psychology under the Board's adopted seal. It shall be the duty of the Board chairman under the direction of the Board to aid the solicitors in the enforcement of this Act and the prosecutions of all persons charged with the violation of its provisions. Psychologists licensed by the Board shall be required to submit annually a completed registration fee of \$50.00 to the Board after the first year. The list of registered psychologists shall be made available to interested individuals or organizations at a nominal charge.

Section 14 For the purpose of this Act, the confidential relations and communications between licensed Psychologist and client are placed upon the same basis as those provided by law between attorney and client, and nothing in this Act shall be construed to require any such privileged communication to be disclosed.

Section 15 The Board of Examiners shall adopt the Code of Ethics of the American Psychological Association to govern appropriate practices or behavior as referred to in Section 9 and Section 10 and shall file such code with the Secretary of State within 30 days prior to effective date of such Code.

Section 16 Each and every provision and section of this Act shall be construed as severable from each other provision and section of the Act, and the unconstitutionality of any part of this Act shall not invalidate any other part thereof, the Legislature hereby expressly declaring that this Act would have been passed with any such unconstitutional provision elided therefrom.

Section 17 This Act shall take effect on October 1, 1963.

Approved September 16, 1963.

Time: 10:40 A. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 18 day of September, 1963.

McDOWELL LEE,
Secretary of Senate.

PSYCHOLOGISTS

Note: Section 32, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

Sec. 32. ORS 675.010, 675.020, 675.030, 675.040, 675.050, 675.063, 675.065, 675.070, 675.085, 675.090, 675.100, 675.110, 675.130, 675.140, 675.150 and 675.990 relating to psychologists are repealed.

(Generally)

675.010 Definitions for ORS 675.010 to 675.150. As used in ORS 675.010 to 675.150, unless the context requires otherwise:

(1) "Accredited college or university" means any college or university offering a full-time resident graduate program of study in psychology leading to the doctoral degree or a comparable program as determined by the board.

(2) "Board" means the State Board of Psychologist Examiners.

(3) "Licensed psychologist" means a person licensed to practice psychology under the provisions of ORS 675.010 to 675.150.

(4) "Practice of psychology" means the rendering or offering to render to individuals, groups, organizations or the public any psychological service while representing oneself to be a psychologist, involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationship; and the methods and procedures of interviewing, counseling, psychotherapy and hypnosis; of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions and motivation. The application of such principles and methods includes, but is not limited to, the diagnosis, prevention, treatment and amelioration of psychological problems and emotional and mental disorders of individuals and groups. Also, the offering for a fee of teaching, consultation, psychotherapy, psychodiagnostic and research services in relation to the use or development of psychological principles of such services.

(5) "State" means any state or territory of the United States and the District of Columbia. [1963 c.396 §1; 1973 c.777 §1; 1981 c.892 §96]

675.020 Representation as psychologist prohibited without licensing; use of business name or designation. (1) To safeguard the people of the State of Oregon from the dangers of unqualified and improper practice of psychology, no person shall, unless exempted

from the provisions of ORS 675.010 to 675.150 by ORS 675.090, represent himself to be a psychologist without first being licensed as required in ORS 675.010 to 675.150.

(2) A person represents himself to be a psychologist when he holds himself out to the public by or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import, "psychometry," "psychometrics," "psychometrist," "psychotherapy," "psychotherapist," "psychoanalysis," "psychoanalyst," or variants thereof or when he holds himself out to be trained, experienced or an expert in the field of psychology.

(3) A psychologist licensed under ORS 675.010 to 675.150 shall practice under his name only, but nothing in ORS 675.010 to 675.150 or rules adopted thereunder shall be deemed to prevent a licensed psychologist from using an assumed business name or other designation to describe a place, institution, organization or agency where or in connection with which he conducts his practice. [1963 c.396 §2; 1971 c.362 §1; 1973 c.777 §2]

(Licensing)

675.030 Licensing of psychologists after examination. Upon application therefor accompanied by the fee established by the board, the board shall issue a psychologist license to any applicant who performs to the satisfaction of the board in the written and oral examination prescribed by the board and furnishes evidence satisfactory to the board that he:

(1) Is of good moral character;

(2) Has complied with all applicable provisions of ORS 675.010 to 675.150 and the applicable rules of the board;

(3) Holds a doctoral degree in psychology or a doctoral degree considered equivalent by the board, such degree or training having been obtained from an accredited college or university approved by the board and

(4) Has had two years of supervised employment under the direction of a psychologist licensed in Oregon or under the direction of a person considered by the board to have equivalent supervisory competence. [1963 c.396 §3; 1973 c.777 §3]

675.040 Examinations for licensing. (1) Examinations for applicants for licenses under ORS 675.010 to 675.150 shall be held not less frequently than once every year at such

times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

(2) Any applicant may, upon written request to the board, discuss his performance on the examination with the board.

(3) Any applicant who fails to make a passing grade on the examination shall be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again. [1963 c.396 §4; 1973 c.777 §6]

675.050 Licensing without examination. Upon application therefor accompanied by the fee established by the board, the board may issue a license, without written or oral examination, to any applicant who furnishes evidence satisfactory to the board that he:

(1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and is licensed or certified to practice psychology in another state in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to licensing requirements of ORS 675.010 to 675.150 and the rules of the board; or

(2) Is a diplomate in good standing of the American Board of Professional Psychology. [1963 c.396 §5; 1973 c.777 §7]

675.060 [1963 c.396 §7; 1967 c.470 §63; repealed by 1973 c.777 §21]

675.063 Limited permit to practice as psychologist; duration. Upon application therefor and payment of the required fee, the board may issue a limited permit to practice as a psychologist to an applicant holding a certificate or license to practice psychology issued by another state and whose requirements are, in the judgment of the board, essentially equivalent to those required by ORS 675.010 to 675.150. The limited permit shall be valid for a period of not more than 30 calendar days in any six months' period. [1973 c.777 §15]

675.065 Psychologist associates' licensing procedure. (1) On and after January 1, 1974, psychologist associate licenses shall be issued to applicants who meet requirements of this section, do not possess a doctoral degree, and are deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions shall be specified on the psychologist associate license issued by the board and may include but

are not restricted to such functions as administering tests of mental abilities, conducting personality assessment, counseling, including educational and vocational planning.

(2) The applicant shall pay to the board the application fee for a license in a single area of qualification. An additional fee shall be submitted for amendment of the license to include each additional area of qualification.

(3) Upon petition by a psychology associate, the board may grant authority to function without immediate supervision.

(4) Upon application therefor accompanied by the fee established by the board, the board shall issue a psychologist associate license to any applicant who performs to the satisfaction of the board in the written and oral examination prescribed by the board that he:

(a) Is of good moral character;

(b) Has complied with all the applicable provisions of ORS 675.010 to 675.150;

(c) Has received a master's degree in psychology, or a degree considered equivalent thereto by the board, from an accredited college or university approved by the board;

(d) Has completed an internship in an approved educational institution or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a psychologist licensed in Oregon, or under the direction of a person considered by the board to have equivalent supervisory competence; and

(e) Furnishes proof acceptable to the board of at least 36 months, exclusive of internship, of full-time experience satisfactory to the board under the direct supervision of a licensed psychologist in Oregon, or under the direct supervision of a person considered by the board to have equivalent supervisory competence. [1973 c.777 §5]

675.070 Denial, suspension or revocation of license or refusal to renew license.

(1) The board may deny a license to any applicant, may refuse to renew the license of any psychologist, or may suspend, for a period of not less than one year, or revoke the license of any psychologist who, in the judgment of the board:

(a) Is habitually drunk;

(b) Is addicted to the use of controlled substances;

(c) Has been convicted of violation of any law relating to controlled substances;

(d) Has been convicted of any felony or of any misdemeanor involving moral turpitude;

(e) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psychology;

(f) Is mentally or emotionally unfit to practice psychology;

(g) Has practiced or attempted to practice medicine without being licensed to do so;

(h) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or material misrepresentation;

(i) Has impersonated a licensed psychologist or has allowed another person to use the license of the psychologist; or

(j) Has violated any provision of ORS 675.010 to 675.150 or any provision of the code of professional conduct formulated under ORS 675.110 (10).

(2) In case of any conviction required under subsection (1) of this section as grounds for denial, refusal, suspension, or revocation, a certified copy of the record of the conviction shall be conclusive evidence.

(3) The board may license an applicant or renew or restore any license suspended or revoked under paragraph (f) of subsection (1) of this section whenever the board determines that the applicant or former licensed psychologist is no longer mentally or emotionally unfit to practice psychology. [1963 c.396 §8; 1973 c.777 §10; 1979 c.744 §49]

675.080 [1963 c.396 §9; repealed by 1971 c.734 §21]

675.085 Disciplinary procedure. (1) Where the board proposes to refuse to issue or renew a license or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550. The board shall render its decision within 30 days after the hearing.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.550. [1971 c.734 §117; 1973 c.777 §11]

675.090 Application of ORS 675.010 to 675.150. ORS 675.010 to 675.150 does not apply to:

(1) Any person teaching, lecturing or engaging in research in psychology but only in so far as such activities are performed as part of an academic position in a college or university.

(2) Any person who has received a doctoral degree in sociology or social psychology from an accredited college or university and uses the title "social psychologist" provided that such person files a statement of his use of that title with the

board and complies with subsection (9) of this section.

(3) Any person who holds a valid school psychologist credential from the State Board of Education but only when such person is practicing psychology in the course of his employment and complies with subsection (9) of this section.

(4) Any person licensed to practice one or more of the other healing arts in the State of Oregon so long as he does not hold himself out to the public through use of either of the specific terms of "psychologist" or "psychometrist."

(5) Psychological activities and services by a person employed by a local, state or federal governmental agency in so far as such activities and services are a part of his employment and are performed within the confines of the employing agency provided that the person complies with subsection (9) of this section.

(6) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facility recognized by the board and providing that no fee is paid directly to the student, intern or resident and that the person is designated by the title "psychological intern," "psychological trainee," "psychology student," or some other title which clearly indicates his training status.

(7) Any person engaged in psychological activities and employed by an Oregon nonprofit corporation whose primary purpose or function involves education or scientific research and which holds a valid exemption from federal income taxes under section 501 (c) (3) of the Internal Revenue Code of 1954.

(8) Qualified members of other legally recognized professions such as lawyers, dentists, optometrists, social workers, nurses or clergymen when engaging in psychological activities or services incidental to their profession who comply with subsection (9) of this section.

(9) Persons described in subsections (2), (3), (5) and (8) of this section shall not represent or hold themselves out to the public outside their professional work setting by any title or description of activities used in ORS 675.020 (2) nor shall they hold themselves out to be trained, experienced or expert in psychology. [1963 c.396 §10; 1971 c.362 §2; 1973 c.777 §8]

(State Board)

675.100 State Board of Psychologist Examiners; confirmation; oath; compensation and expenses. (1) There hereby is created a State Board of Psychologist Examiners consisting of seven members appointed by the Governor. Five of the members shall be residents of Oregon, have doctoral degrees with primary emphasis in psychology and shall be licensed under ORS 675.010 to 675.150. Two members shall be residents of Oregon and shall serve as public members.

(2) The term of office of a board member shall be three years, but the members shall serve at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor to assume his duties on July 1 next following. A member shall be eligible for one consecutive reappointment only. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(4) Before entering upon the duties of his office, each board member shall subscribe to an oath that he will faithfully and impartially discharge the duties of his office and that he will support the Constitution of the United States and the Constitution of this state. The oath shall be filed with the Secretary of State.

(5) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1963 c.336 §11; 1969 c.314 §77; 1973 c.777 §9a; 1973 c.792 §32]

675.110 Power of board; fees. The board shall have the following powers, in addition to the powers otherwise granted under ORS 675.010 to 675.150, and shall have all powers necessary or proper to carry the granted powers into effect:

(1) To determine qualifications of applicants to practice psychology in this state; to cause to have examinations prepared, conducted and graded and to grant licensing to qualified applicants upon their compliance with the provisions of ORS 675.010 to 675.150 and the rules of the board.

(2) To grant or deny annual renewal of licenses, and to renew licenses which have lapsed for nonpayment of the renewal fee, subject to the provisions of ORS 675.010 to 675.150.

(3) To suspend or revoke licenses, subject to ORS 675.010 to 675.150.

(4) To restore licenses which have been suspended or revoked or voided by nonpayment of the renewal fee.

(5)(a) To establish and collect annual fees for application, examination and licensing of applicants, for renewal of licenses, and for issuance of limited permits, such fees to be used to defray the expenses of the board as provided in ORS 675.140.

(b) The board may impose a delinquent renewal fee for licenses renewed after January 1 but before February 1.

(6) To investigate alleged violations of ORS 675.010 to 675.150.

(7) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affirmations to witnesses, conduct hearings, require the production of relevant documents in all proceedings pertaining to the duties and powers of the board.

(8) To enforce ORS 675.010 to 675.150 and to exercise general supervision over the practice of psychology in this state.

(9) To adopt a common seal.

(10) To formulate a code of professional conduct for the practice of psychology giving particular consideration to the Ethical Standards of Psychologists promulgated by the American Psychological Association.

(11) To establish standards of service and training and educational qualifications for the rendering of ethical psychological services in this state, including the formulation of standards for the issuance of licenses for areas of special competence.

(12) To formulate and enforce continuing education requirements for duly licensed psychologists to ensure the highest quality of professional services to the public.

(13) Subject to the applicable provisions of ORS 183.310 to 183.550, to make reasonable rules to carry out the provisions of ORS 675.010 to 675.150. [1963 c.396 §12; 1973 c.39 §1; 1973 c.777 §12; 1983 c.289 §1]

675.115 How fees determined. Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under ORS 675.110 shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as

modified by the Emergency Board or future sessions of the Legislative Assembly. [1983 c.289 §2]

Note: 675.115 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 675 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

675.120 [1963 c.396 §13; repealed by 1973 c.777 §21]

675.130 Officers; quorum; meetings; records; executive secretary. (1) The board shall select one of its members as chairman, and another as vice chairman, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the board shall determine.

(2) A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once a year at a place, day and hour determined by the board. The board shall also meet at such other times and places as are specified by the call of the chairman, or of a majority of the members of the board or of the Governor.

(4) The board shall maintain records of all of its proceedings under ORS 675.010 to 675.150.

(5) The board shall maintain a register of all living psychologists licensed under ORS 675.010 to 675.150, showing their names, their last-known business addresses, their last-known residential addresses, and the dates and numbers of their licenses.

(6) The board may appoint an executive secretary who shall not be a member of the board. The board shall fix the compensation for the executive secretary. [1963 c.396 §14; 1973 c.777 §14; 1983 c.740 §249]

675.140 State Board of Psychologist Examiners Account; appropriation. On or before the 10th day of each month, the board shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the State Board of Psychologist Examiners Account. The moneys in the State Board of Psychologist Examiners Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing ORS 675.010 to 675.150. [1963 c.396 §15; 1967 c.637 §28; 1973 c.777 §17]

675.150 Enforcement procedures. The board may institute and commence injunction proceedings in any circuit court in Oregon to enjoin the unlawful practice of psychology. In any such proceeding it shall not be necessary to show that any person is individually injured by

the actions complained of. If the person complained of is found by the court to have unlawfully engaged in practice of psychology, the court may enjoin him from so practicing. Procedure in such cases shall be the same as any other injunction suit. The remedy by injunction hereby given is in addition to criminal prosecution and punishment. [1973 c.777 §13]

OCCUPATIONAL THERAPISTS (Generally)

Note: Section 9, chapter 685, Oregon Laws 1983, provides:

Sec. 9. ORS 675.210, 675.220, 675.230, 675.240, 675.250, 675.260, 675.270, 675.280, 675.290, 675.300, 675.310, 675.320, 675.330 and 675.340 are repealed effective June 30, 1994.

675.210 Definitions for ORS 675.210 to 675.340. As used in ORS 675.210 to 675.340, unless the context requires otherwise:

(1) "Board" means the Occupational Therapy Licensing Board.

(2) "Occupational therapist" means a person licensed to practice occupational therapy under ORS 675.210 to 675.340.

(3) "Occupational therapy" means the analysis and use of purposeful activity with individuals who are limited by physical injury or illness, developmental or learning disabilities, psychosocial dysfunctions or the aging process in order to maximize independence, prevent disability and maintain health. The practice of occupational therapy encompasses evaluation, treatment and consultation. Specific occupational therapy services includes but is not limited to: Activities of daily living (ADL); perceptual motor and sensory integrated activity; development of work and leisure skills; the design, fabrication or application of selected orthotic or prosthetic devices; the use of specifically designed crafts; guidance in the selection and use of adaptive equipment; exercises to enhance functional performance; prevocational evaluation and training; performing and interpreting manual muscle and range of motion test; and appraisal and adaptation of environments for the handicapped. The services are provided individually, in groups, or through social systems.

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of, or with the consultation of, an occupational therapist.

(5) "Person" means any individual, partnership, unincorporated association or corporate body, except only an individual may be licensed under ORS 675.210 to 675.340. [1977 c.858 §1; 1981 c.250 §1]

675.220 Representation as occupational therapist or therapy assistant prohibited without licensing; exception. (1) No person shall practice occupational therapy or purport to be an occupational therapist or occupational therapy assistant, or as being able to practice occupational therapy, or to render occupational therapy services, or use the abbreviations designated by the board under ORS 675.320 unless the person is licensed in accordance with ORS 675.210 to 675.340.

(2) ORS 675.210 to 675.340 does not apply to:

(a) Employment as an occupational therapist or occupational therapy assistant in an institution or an agency of the Federal Government.

(b) Persons licensed under any other law of this state to do any acts included in the definition of occupational therapy in ORS 675.210 or persons working under the direction of any such person.

(c) The practice of occupational therapy which is incidental to the planned program of study for students enrolled in an occupational therapist or occupational therapy assistant program approved by the board. [1977 c.858 §2, 3; 1981 c.250 §2]

(Licensing)

675.230 Application for licensing. Any person desiring to be licensed as an occupational therapist or occupational therapy assistant shall apply in writing to the board, upon such form and in such manner as shall be provided for by the board. Each application shall include or be accompanied by evidence, under oath or affirmation satisfactory to the board, that the applicant possesses the qualifications prescribed in ORS 675.240 for applicants for licensing as an occupational therapist, or in ORS 675.250 for applicants for licensing as an occupational therapy assistant. [1977 c.858 §4]

675.240 Qualifications for licensing as occupational therapist. (1) Except as provided in subsection (2) of this section or in ORS 675.270, each applicant for licensure under ORS 675.210 to 675.340 as an occupational therapist shall:

(a) Have successfully completed an educational program in occupational therapy recognized by the board, with concentration in biological or physical science, psychology and sociology, and with education in selected manual skills.

(b) Pass to the satisfaction of the board an examination conducted or adopted by the board to determine the fitness of the applicant for practice as an occupational therapist or be entitled to be licensed as provided in ORS 675.270.

(c) Have successfully completed at least six months of supervised field work that complies with rules adopted by the board.

(2) An applicant who has practiced as an occupational therapy assistant for four years, with a minimum of six months of supervised field experience, may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapist made otherwise applicable under subsection (1) of this section. [1977 c.858 §5; 1981 c.250 §3]

675.250 Qualifications for licensing as occupational therapy assistant. Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to 675.340 as an occupational therapy assistant shall:

(1) Be at least 18 years of age.

(2) Have successfully completed the academic requirements of an educational program for occupational therapy assistants recognized by the board.

(3) Pass an examination conducted or approved by the board to determine the fitness of the applicant for practice as an occupational therapy assistant.

(4) Have successfully completed at least two months of supervised field work that complies with rules adopted by the board. [1977 c.858 §6; 1981 c.250 §4]

675.260 Examinations for licensing; fee. (1) Unless entitled to licensing as provided for in ORS 675.270, each applicant for licensing as an occupational therapist or occupational therapy assistant shall include in the application a request for examination. Each applicant who requests an examination shall pay to the board at the time of filing the application a fee not to exceed \$100.

(2) The board shall examine applicants for licensing as occupational therapist or occupational therapy assistant at such times or places as it may determine, but at least semiannually.

(3) Such application shall be made in writing at least 30 days prior to the announced date of

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DIVISION 10

PROCEDURAL RULES

[ED. NOTE: Administrative Order PE 6 repealed previous rules 858-10-005 through 858-10-060 filed as Administrative Orders PE 1, 2, 3, 4, and 5.]

Board Duties and Procedure

858-10-005 (1) Board Meetings. The State Board of Psychologist Examiners shall meet insofar as possible on the first Tuesday of each month at a time and place specified by the Board and at such other times and places as specified on call of the Chair of the Board, a majority of members of the Board, or of the Governor. Notice of time and place of regularly scheduled, special, and emergency meetings shall be given by notification to the Associated Press and United Press International.

(2) Quorum Required. A majority of the Board constitutes a quorum for the transaction of business. A majority of members present at a meeting must concur upon any official business transacted by the Board at the meeting.

(3) Internal Organization. At the first meeting beginning each fiscal year, organizational matters, including standing responsibilities assigned to Board members, shall be the first order of business. The terms of the previous Chair and Vice-Chair and all other positions of standing assigned responsibility will expire at this time. However, a Chair or Vice-Chair or any standing assigned responsibility can be changed or replaced by a majority of the members at any meeting where the proposal has been placed on the agenda and sent to the members two weeks in advance of the meeting, or by unanimous consent of members at any meeting.

(4) Chair's Responsibilities. The Chair will sort out matters into two classes: decisions required to be made by the Board, and administrative actions which the Chair intends to carry out. Both of these shall be presented for the Board's review at the next meeting. The Chair is authorized to take emergency action between Board meetings, subject to ratification by the Board. However, in the case of actions significant enough to normally require Board decisions, the Chair shall first attempt to get authorization for such decision from the Board members through telephone communication. All emergency actions of any kind shall be noted in the agenda for the next meeting and shall become the first order of business at that next meeting.

The Vice-Chair shall officiate in lieu of the Chair when the Chair is unable to perform the required duties.

(5) Board Communications. Only the Board Chair shall write other than routine or form letters in the name of the Board unless members are specifically authorized in a Board meeting to do so. Such letters should be typed by the Board Secretary and copies appropriately filed. The full Board should approve in advance any correspondence which may materially affect Board policies and procedures. When a delay might render the Board's functioning ineffective, the Chair, may be required to take immediate action which shall be reviewed at the next meeting of the Board.

(6) Board Files. All Board files shall be assembled in the Board's official office. The Board Secretary shall maintain the Board's files under the direction of the Chair. The Board Secretary shall maintain a master record of any files which are checked out of the Board office by Board members. The Board Secretary shall be notified whenever any Board file is transferred from the possession of one person to another, and shall so note in the Board's records. Individuals who have in their possession documents or files pertaining to Board affairs are responsible for their protection and privacy.

(7) Minutes and Agendas. The minutes of a meeting shall be distributed to all Board members at least one week in advance of the next meeting.

The agenda shall be prepared by the Board Chair and distributed to all Board members at least one week before each meeting. The agenda items shall include reports by the Board Secretary, the Chair, (and each Board member who has received a specific assignment at the previous meeting or has a report to make regarding standing assignments. If there is insufficient time to inform the Board Chair), the Board Secretary may make additional scheduling at the direct request of Board members. The Board may, at its discretion, revise the agenda or limit it to a particular topic under special circumstances. Undiscussed reports may be added to the typed minutes of any meeting.

(8) The Attorney General's Model Rules of Procedure under the Administrative Procedure Act, printed and promulgated by the Attorney General, effective November 17, 1981, shall be the rules of procedure before the Board under ORS 183.310 to 183.500.

Stat. Auth.: ORS Ch. 183

Hist: PE 6, f. 12-19-73, ef. 1-11-74; PE 8, f. 12-5-74, ef. 12-25-74; PE 12, f. & ef. 3-5-76; PE 13, f. & ef. 9-15-76; PE 1-1979, f. & ef. 9-5-79; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82

Notice of Proposed Rule

858-10-007 Prior to the adoption, amendment, or repeal of any rule, the Board of Psychologist Examiners shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360, at least fifteen (15) days prior to the effective date.

(2) By mailing a copy of the notice to persons on the Board's mailing list established pursuant to ORS 183.335(6).

(3) By mailing a copy of the notice to the following persons, organizations, or publications:

- (a) United Press International and Associated Press;
- (b) All licensees of the Board;
- (c) Oregon Psychological Association;
- (d) Oregon Academy of Professional Psychology.

Prior to the adoption, amendment, or repeal of any rule of the Board relating to continuing education, the Board shall additionally mail a copy of the notice to the State Board of Higher Education.

Stat. Auth.: ORS Ch. 183

Hist: PE 13, f. & ef. 9-15-76

Procedure for License Applications

858-10-010 (1) Filing of Applications. All inquiries regarding application for licensure as a Psychologist and licensure as a Psychologist Associate shall be directed to the Board Secretary. Upon receipt of a completed application form, accompanied by the application fee established by the Board, the Board Secretary shall:

- (a) Forward the application fee to the Health Division;
- (b) Mail letters requesting references and documentation of supervision;
- (c) Mail reciprocity of ABPP confirmation letters when required; and
- (d) File transcripts when received.

(2) Review Procedure. When all of the application materials listed in section (1) of this rule have been received, the Board Secretary shall deliver the file to the Board member currently responsible for review of applications. The Board member who reviews the file shall either:

- (a) Find the application acceptable;
- (b) Find the application not acceptable; or
- (c) Bring the application to the full Board for review and determination of disposition.

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Stat. Auth.: ORS Ch.
Hist: PE 6, f. 12-19-73, cf. 1-11-74

Licensing Requirements — Doctoral Degrees

858-10-015 (1) A "doctoral degree in psychology from an accredited school, college or university", shall mean: a Ph.D. based on a program of studies in a graduate department of psychology from a school, college or university accredited by the pertinent regional accrediting bodies. The training shall meet the guidelines set forth in the statement "Toward a definition of training in Professional Psychology" of the Educational Standards and Accreditation Committee of the American Association of State Psychology Boards dated August 25, 1977 attached hereto as Appendix "I" and by this reference made a part hereof. The Board may, at its discretion, accept a doctorate in psychology from an accredited school, college or university offering a professional degree, e.g., Psy. D. The Board may also accept a certificate or diploma granted in place of the doctoral degree by an institution located outside the United States after completion of a graduate program based on standards not lower than those of accredited schools, colleges and universities in Oregon granting the doctoral degree in psychology. The Board may also, in its discretion, accept a Ph.D. or an Ed.D. in a department other than psychology, provided that such a program is comparable to that offered in a graduate department of psychology. The program shall include at least 60 quarter hours or 40 semester hours of formal graduate study in psychology, excluding thesis and practicum. These hours (in toto) shall be in no fewer than five of the basic areas of psychology which are: experimental, comparative, abnormal, developmental, individual differences, learning, motivation, physiological, personality, social, statistics, research design, psychological tests and measurements, history and systems of psychology, and perception and cognition; achievement in each such course must have been satisfactory and the instruction must have been provided in the regular graduate program of an accredited degree-granting institution. The number of university extension credits that may be credited toward the requirement for the doctoral degree shall not exceed 15 quarters hours (10 semester hours).

(2) Recognition of Degree. The Board may recognize a doctoral degree from an institution which was not accredited if the institution receives accreditation within three years after having granted the degree.

(3) Supervised Employment. A minimum of one year of the required supervised experience must be post-doctoral.

Stat. Auth.: ORS Ch.
Hist: PE 6, f. 12-19-73, cf. 1-11-74; PE 1-1979, f. & cf. 9-5-79

Change in Specialty

858-10-016 Psychologists and applicants who have changed their specialty from that in which they were originally trained will be required to document their academic and professional training in the new area of psychological specialty in accordance with the training guidelines adopted by the Board under OAR 858-10-015(1).

Stat. Auth.: ORS Ch.
Hist: PE 1-1979, f. & cf. 9-5-79

Process and Disposition of Application for License

858-10-020 (1) Following a decision as to disposition, the applicant's file shall be returned to the Board Secretary, accompanied by a signed and dated statement that the file has been reviewed and whatever decision has been made. If the application is approved, the Board Secretary shall send out appropriate letters notifying the applicant of the approval to proceed. If the application is found unacceptable, the Board Secretary shall send the applicant a certified letter so stating

and noting the deficiency which caused the rejection, including the authority for such action and advising of the opportunity of a hearing before the Board in accordance with ORS 183.

(2) Waiver of Examination. In the event that a qualified applicant is not required by reciprocity to take the written examination, he shall be informed of approval for proceeding to the oral examination. In the event that a qualified applicant is not required, by virtue of ABPP status, to take either the written or oral examination, he may be issued a license.

(3) Investigatory Powers. The Board shall not be limited in its investigation of an applicant's qualifications for licensure to the information supplied in and pursuant to the licensure application form and may direct additional investigation with respect to an applicant's qualifications prior to deciding whether or not he may proceed to take the written or oral examination.

(4) Record of Complaints. The Board Secretary shall review the Board's records of complaints and insert any reference to an applicant in the applicant's file. The Board Secretary shall also routinely make inquiry of the Ethics Committee of the Oregon Psychological Association, and, if appropriate, of other state and national committees on ethics and certification or licensure boards for material relevant to each applicant.

Stat. Auth.: ORS Ch.
Hist: PE 6, f. 12-19-73, cf. 1-11-74

Procedure for Written Examinations

858-10-025 (1) Written Examinations for Doctoral Level Licensure. The written examination for full licensure shall be the current examination developed by the professional testing service of the American Association of State Psychology Boards. Applicants whose educational credentials have been accepted by the Board as meeting its requirements for licensure as a psychologist shall be eligible to take the written examination. The examination shall be administered at least twice a year by the Board Secretary in the Board offices. At least 30 days notice in writing shall be given to applicants eligible for examination. Completed examinations will be forwarded to the AASPB's testing service for scoring. The cutting score for the written examination shall be the national mean of all doctoral candidates taking the examination for the first time on that day.

(2) Re-Examination. Any applicant who fails to make a passing grade on the examination shall be allowed to take the examination a second time. If the examination is failed twice, the applicant must obtain special permission from the Board to take the examination again.

(3) Inquiries Regarding Performance on Examinations. Upon written request to the Board, an applicant may discuss his or her performance on the examination(s) with the Board or a representative designated by the Board. Individual Board members and the Board Secretary shall refrain from any discussion of an applicant's performance on the examination(s) with the applicant or with any other person without such designation. Those aspects of the Board's affairs which are open to the public or are a matter of public record shall, however, be available at all times through the office of the Board.

Stat. Auth.: ORS Ch. 675
Hist: PE 6, f. 12-19-73, cf. 1-11-74; PE 1-1979, f. & cf. 9-5-79; PE 1-1980, f. & cf. 3-10-80; PE 1-1981(Temp), f. & cf. 12-9-81; PE 1-1982, f. 4-13-82, cf. 6-1-82; PE 2-1982, f. & cf. 7-23-82

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

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Procedure for Oral Examinations

858-10-030 (1) Oral Examination for Licensure. Candidates who have successfully completed the written examination and successfully completed the requisite two years of supervised experience for licensure shall be eligible to sit for the oral examination. The Board shall compile a list of psychologists who have been licensed by the Board for a minimum of one year and residents of Oregon for a minimum of one year from which shall be drawn the members of oral examination committees. The oral examination committee for each examination shall consist of a Chair who is a member of the Board and three psychologists who shall be selected by the chair from the approved list. Oral examination committees shall meet at least two times each year. Thirty days written notification will be given to candidates who have passed the written examination, or had it waived, and who are recommended for oral examination. Appearance at a scheduled oral examination shall constitute a waiver of the prior written notice. Each oral examination committee shall record its entire proceedings and make recommendations to the Board, accompanied by pertinent rationale, on the passage or failure of each applicant. The Board shall review the recommendations of the oral examination committee, review verbatim recordings when necessary, and make final decisions regarding passage or failure. The Board Secretary shall inform candidates in writing of the results of the oral examination, i.e. the oral examination committee recommendations and the Board's decision. A second oral examination may be recommended and conducted by the Board or by a second oral examination committee appointed by the Board; the Board's subsequent decision based on this oral examination shall be final. A candidate who is refused issuance of a license is entitled to a hearing before the Board if requested.

(2) Content of Oral Examinations. While each oral examination may vary somewhat in content and emphasis, it shall cover the following:

- (a) Areas in which the candidate considers himself competent to offer psychological services.
- (b) Methods by which candidate anticipates preparing himself to provide services in new areas.
- (c) Plans the candidate has for updating his skills.
- (d) Candidate's knowledge and awareness of ethical issues and problems in his own practice and for psychologists in general.
- (e) The candidate's awareness of current laws regulating the practice of psychology.

Stat. Auth.: ORS Ch. 675

Hist: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1979, f. & ef. 9-5-79; PE 1-1981(Temp), f. & ef. 12-9-81; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Guidelines for Supervised Employment

858-10-035 (1) The following guidelines shall be used by the Board to define supervised employment in accordance with ORS 675.030(4). The supervision shall be under the direction of a psychologist who has prior to such supervision been licensed in Oregon for at least one year, under a psychologist licensed in another state with standards comparable to those in Oregon, or under the direction of a person considered by the Board to have equivalent supervisory competence. While obtaining the requisite two years of supervised experience, the applicant shall be an employee of an institution or agency in which employees providing psychological activities and services are exempt from license and which institution or agency provides supervised experience in his or her anticipated area(s) of specialization, or shall be the employee of a licensed psycholo-

gist or person considered equivalent by the Board. If supervision is obtained in Oregon from outside such an institution or agency, the psychologist or equivalent supervisor shall be specifically approved in writing by the Board on the basis of a resident agreement between supervisor and supervisee submitted to the Board in advance. The number of supervisees at any one time shall be limited to two. Permission to exceed two supervisees at any one time must be obtained from the Board.

(2) Review of proposed supervisory plans will not be made by the Board until the applicant has submitted application forms for licensure and paid the initial examination application fee.

(3) The work of such employee shall be supervised in the following manner:

(a) Title. The supervisee shall be at all times designated by a title such as "psychological resident", or similar title which implies an educational background in psychology and simultaneously conveys less than independent functioning. All signed materials, letterheads, business cards, telephone directory listing, or other representations to the public shall convey the individual's professional apprentice status and shall be combined with a designation of the supervisor by name and title.

(b) Scope of Practice. The psychological resident shall offer services in the general areas in which he has received prior academic training under the supervision of a person with a similar background of education and experience.

(c) Frequency and Nature of Supervision. Minimum supervision shall entail weekly discussion about each case the psychological resident is managing, as well as discussion about any additional activities in which the psychological resident may be engaged in his or her resident capacity. This supervision shall entail at least a ratio of one hour of supervision for each eight hours of employment. Whenever possible, the supervisor should directly observe the resident's functioning and discuss with him or her methods of improving his or her performance.

(d) Records and Documentation. All persons claimed by an applicant to have functioned as supervisors for him or her shall be named among the references on his or her application form. Documentation of the nature and frequency of the supervision, as well as his or her appraisal of the applicant's functioning under supervision shall be supplied to the Board by the supervisor. The Board advises applicants who have not completed two years of supervised experience, one of which must be post-doctoral, and who anticipate seeking licensure in Oregon to file with the Board in advance a plan of intended supervision which shall include periodic reports from the supervisor of the supervision in progress.

(e) Duration of Psychological Resident Status. The Board regards resident status as a transitional step toward licensure. It is not intended as a means of avoiding licensure once all requirements can be met. Without special approval by the Board, a maximum of three years of supervised status may be claimed before an individual shall be regarded as in violation of the licensure law.

(f) Offices. In those cases where offices are not provided by the agency or institution where the resident is employed, his or her supervisor shall procure and maintain the resident's office in the supervisor's name.

(g) Representation to the Public. Each person with whom the psychological resident is working must be informed of the nature of the resident's professional status and the fact that he or she is under the supervision of a licensed psychologist or comparable person.

(h) In every case where psychological testing is done and a report is written based on that testing by a psychological

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resident, the supervising psychologist will counter-sign the report indicating his or her approval.

(i) In cases where a psychological resident is conducting counseling or psychotherapy, representative sessions shall be recorded within professional and ethical guidelines and the supervising licensed psychologist shall review random samplings.

(4) Responsibilities of the Supervisor. In addition to all those responsibilities specified in these rules, the supervisor shall be prepared to document for the Board that the supervision has occurred according to these guidelines. The supervisor should also be prepared to provide an evaluative statement of the resident's performance. When a psychologist assumes the responsibility of supervision, he or she assumes responsibility for the nature and quality of such activities and services as the resident may provide. Failure to provide supervision when such a relationship with a resident is claimed by either party may result in appropriate action against the license of the supervisor hence; interruption or termination of a supervisory relationship shall be promptly communicated to the Board.

Stat. Auth.: ORS Ch.

Hist: PE 6, f. 12-19-73, ef. 1-11-74; PE 8, f. 12-5-74, ef. 12-25-74; PE 1-1979, f. & ef. 9-5-79

Professional Corporations

858-10-040 (1) Registration Required. No professional corporation shall engage in the practice of psychology without a valid certificate of registration issued by the Board.

(2) Registration Application: Contents. The application for registration of a professional corporation consisting of shareholders who are licensed by the State Board of Psychologist Examiners shall be made in writing to the Board and shall contain the name of the corporation, location of principal office, shareholders, directors, and officers of the corporation, accompanied by the registration fee established by the Board. Any employee not a shareholder, director, or officer, engaged in the practice of psychology shall also be named. The applicants shall also furnish to the Board a copy of the By-Laws of the corporation and a copy of the Articles of Incorporation.

(3) Name of Corporation: Use of Assumed Name. The name of the corporation shall be designated in the application, to be followed by the words, "Professional Corporation", or abbreviation, or "Prof. Corp.". The corporate name may contain the last name of one or more of its shareholders but may consist of any assumed or artificial name or title, provided that when used in connection with any written or printed matter or in connection with any advertising, signs, or professional notice, there shall be added after any such assumed or artificial names the following designation in letters or print which shall be at least one-fourth the size of the largest letters used in the title or name and in material, color, etc., to give display and legibility of at least one-fourth that of the title or name, name "psychologist".

(4) Issuance of Certificate. A certificate of registration shall be issued if the Executive Secretary of the Board finds that:

(a) Each shareholder is a psychologist licensed by the Board and is not legally disqualified to render professional service, and each officer and director (except as provided in ORS 58.105) is a shareholder of the applicant;

(b) That each employee of the applicant who will practice psychology, whether or not a director, officer, or shareholder is a licensed psychologist, psychological resident; licensed psychologist associate or psychologist associate resident; and

(c) The applicant otherwise is in compliance with these rules.

(5) Merger or Consolidation. The Board will not approve a merger or consolidation of a professional corporation which is

under the jurisdiction of the Board with a foreign professional corporation.

(6) Posting of Certificate. The certificate of registration shall be conspicuously posted in the office of the corporation to which it is issued.

(7) Report of Change. In the event of a change of directors, officer, employees practicing psychology, share ownership, or location of the office of the corporation, notification shall be sent to the Board within ten days of such change. Upon receipt of notification, the Board shall amend the certificate of registration to reflect changes of location.

(8) Assignability. No certificate of registration shall be assignable.

(9) Annual Renewal. Upon written application accompanied by a fee established by the Board, the Board shall annually renew the certificate of registration which shall expire December 31 of each year. Failure to file the report or pay the registration fee by January 1 will cause the professional corporation's registration to expire. The Board shall suspend and hold the certificate in abeyance until the delinquency is corrected and shall report the failure of such professional corporation to comply with the law to the Corporation Commissioner of the State of Oregon for appropriate action by the Corporation Commissioner.

(10) Suspension or Revocation. Certificates of registration may be suspended or revoked by the Board for the reasons set forth in and accordance with ORS 58.355.

Stat. Auth.: ORS Ch.

Hist: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82

Registration of Social Psychologists

858-10-045 Any person who has received a doctoral degree in sociology or social psychology from an accredited college or university and uses the title "social psychologist" shall be exempt from the provisions of this law, provided he files a statement of his use of that title with the Board and does not represent not hold himself out to the public outside his professional work setting by any title or description of activities used in subsection (2) of ORS 675.020 nor holds himself out to be trained, experienced, or expert in psychology.

Stat. Auth.: ORS Ch.

Hist: PE 6, f. 12-19-73, ef. 1-11-74

Rules Relating to Psychologists' Licenses

858-10-050 (1) Period of License. All licenses are valid to and including January 1 of the following year, unless suspended, revoked, or resigned.

(2) Renewals. Licenses are renewable on or before January 1 of each year. After January 1, until February 1, licenses may be renewed with additional payment of the delinquent fee. If the license renewal fee and delinquent fee are not received before February 1, a license is void and may not be renewed. Upon a license becoming void, the former license holder's name will be removed from the directory of licensed psychologists. A former licensee who continues to practice as a psychologist will be subject to prosecution for violation of the law.

(3) Continuing Education Regulations and Guidelines. In accordance with ORS 675.110(12), the Oregon Board of Psychologist Examiners hereby establishes requirements and guidelines for the continuing education of licensed psychologists as a condition of license renewal. Doctoral training for entry into the field is not considered adequate assurance of continued competence throughout a psychologist's career. Fulfillment of continuing education requirements is viewed as one necessary vehicle for maintaining standards of profession-

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al practice and for assuring the public of a high standard of psychological services:

(a) **Definition of Continuing Education Activity:**

(A) Continuing education activities are formally organized educational experiences, the objectives of which are compatible with the continuing professional education needs of the licensee. Instructional personnel must be recognized professionals in their domain of study. Continuing education activities must be designed for professional level participants. Recognition will be given for formally organized ongoing study groups, the objectives of which are compatible with the continuing professional educational needs of the licensee and whose regular participants are recognized professionals in their domain of study.

(B) One continuing education credit will be granted for each hour of participation in a continuing education activity.

(b) **Requirements.** A licensed psychologist must earn at least 25 continuing education credits in each calendar year.

(c) **Annual Reports.** On or before December 31 of each year, all licensed psychologists must submit to the Board of Psychologist Examiners, using a standard reporting form, an annual report summarizing their continuing education activity for the calendar year. The Board will review these annual reports prior to March 31 and notify the licensee regarding his/her compliance. Persons found to be in noncompliance with the requirements will be asked to submit, for approval, a one-year plan for continuing education. During the next review period those persons who were found to be in noncompliance will be formally reviewed to determine their eligibility for license renewal. If a licensee is unable to acquire sufficient continuing education credits to meet the requirements he or she may request an exemption. All requests for exemptions will be considered by the State Board of Psychologist Examiners and evaluated on an individual basis.

(4) **Inactive Status.**

(a) Persons holding valid Oregon licenses who have made written request to the Board and have demonstrated to the Board's satisfaction that they are not and will not engage in active practice in Oregon during a given calendar year may be granted inactive status. Violation of claimed inactive status shall be considered sufficient grounds for revocation of licensure by the Board.

(b) **Reactivation of inactive license status.** To reactivate a license from inactive status the licensee will formally notify the Board of that intent and, on a form provided by the Board, report the licensee's professional and continuing education activities since the inactive license status was granted.

(A) If notification of intent to reactivate a license from inactive status occurs within five years of the granting of that status the Board may, at its discretion, reactivate the license status upon receipt of that notice of intent.

(B) If the Board concludes that since the granting of status the inactive licensee has not engaged in professional and continuing education activities that would maintain a satisfactory level of current professional competence, or if notification of intent to reactivate the license with inactive status is not received within five years of the granting of that status, reactivation of the license from inactive status shall depend upon successfully passing an oral examination before the Board. The content of that examination shall be the same as that described in OAR 858-10-030(2).

(C) In the case of a licensee who does not successfully pass the oral examination, the Board can require the submission of a study plan designed to correct deficiencies in the licensee's oral examination performance and/or require that the licensee establish a Board approved supervised employment relationship as described in OAR 858-10-035, the minimum and maximum duration of which may be specified by

the Board. In no case shall an inactive licensee function in supervised employment relationships for more than one year.

(D) The Board may reactivate the license from inactive status upon receipt of documentation that the proposed study plan and/or period of supervised employment has been successfully completed and the deficiencies in preparation rectified, or at its discretion, may require the successful passing of an oral examination as described in OAR 858-10-050(4)(B).

Stat. Auth.: ORS Ch. 675

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1979, f. & ef. 9-5-79; PE 3-1980, f. & ef. 12-12-80; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82

Rules Related to Issuance of Limited Permits

858-10-055 Any psychologist who wishes to practice for a limited period under Section 15, Chapter 777, Oregon Law 1973, shall apply to the Board at least 60 days before the date he intends to practice in Oregon. The applicant shall submit to the Board evidence of his certification or licensure another state or ABPP status; a description of the work he intends to perform; and where, when, and under whose auspices this work will be done. Upon approval by the Board and receipt of the fee set by the Board, a limited permit will be issued for a period not to exceed 30 days in any six month period.

Stat. Auth.: ORS Ch.

Hist.: PE 6, f. 12-19-73, ef. 1-11-74

Fees for Licensure, Examination, and Registration

858-10-060 (1) The application examination fee for licensure as a psychologist or a psychologist associate shall be \$100 for the original application and the first written examination; \$75 for each subsequent written examination if the first one is failed; and \$40 for final processing of the application, including the oral examination. A fee of \$40 will be charged for each subsequent oral examination.

(2) The fee for issuance of a license to practice as a psychologist shall be \$50.

(3) The fee for issuance of a license to practice as a psychologist associate shall be \$50. In the event that a person already licensed as a psychologist associate in one or more areas wishes at a later date to obtain additional certificates of accreditation in additional areas of competence, a fee of \$50 will be charged at the time application is made for each additional certificate.

(4) The license renewal fee for a psychologist shall be \$150 for the calendar year 1984 and \$100 for the calendar year 1985 and each subsequent year. The license renewal fee for a psychologist associate shall be \$150 for the calendar year 1984 and \$100 for the calendar year 1985 and each subsequent year.

(5) The annual fee for persons granted inactive status shall be half of the renewal fee for an active license.

(6) The Board shall impose a delinquent renewal fee of \$25 for licenses renewed after January 1 but before February 1 of any calendar year.

(7) The fee for a limited permit to practice in the state shall be \$80.

(8) The fee for registration of professional corporations shall be \$25. The annual renewal fee for this certification shall be \$10. (ORS 58.345(1)(2))

Stat. Auth.: ORS Ch. 675

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 7, f. 10-21-74, ef. 11-11-74; PE 9, f. 2-3-75, ef. 2-25-75; PE 1-1978, f. & ef. 9-5-78; PE 1-1979, f. & ef. 9-5-79; PE 2-1980, f. & ef. 9-23-80; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82; PE 1-1983, f. & ef. 11-1-83

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Resignation of License Holder

858-10-065 (1)(a) A person holding a valid Oregon license may resign his license by filing with the Board's Executive Secretary a written resignation which shall be effective only upon acceptance by the Board.

(b) If charges of professional misconduct are under investigation, or if disciplinary proceedings are pending against the individual, the resignation may not be accepted by the Board unless it includes an express acknowledgment that the resigning individual:

(A) Is aware of the investigation proceeding and that he does not desire to contest or defend the matter;

(B) Is aware of the rules of the Board with respect to discipline, resignation, and reinstatement of license holders; and

(C) Understands that any future application by him for reinstatement will be treated as an application by an individual who has been suspended for professional misconduct.

(2) On acceptance of the resignation by the Board, the name of the resigning individual shall be stricken from the roll of licensed psychologists.

(3) Unless otherwise ordered by the Board, any pending investigation or disciplinary proceeding shall be closed upon acceptance of the resignation.

(4) An individual who has resigned or been suspended may apply for reinstatement by initiating a new application and taking the prescribed examinations only after a period of one year. He should understand that he will be regarded as an applicant who has knowingly violated the licensure law or a portion of the standards of ethical practice which it incorporates.

Stat. Auth.: ORS Ch.

Hist: PE 6, f. 12-19-73, ef. 1-11-74

Application for Licensure by Person Who Has Violated the Law

858-10-070 The application for licensure by a person who has violated Chapter 777 by representing himself as a psychologist prior to licensing may be refused or denied by the Board. The Board shall investigate and consider the circumstances of each particular case and may, in its discretion, postpone the processing of the application for a period of time; may require the resubmission of the application at a later time; or may finally refuse such application for licensing. Opportunity for a hearing concerning the decision of the Board shall be afforded as required by ORS 183.310 to 183.500. While the Board will actively pursue the goal of educating psychologists in the state concerning the licensure law and the Board's formally adopted Rules of Procedure, it will be regarded as the responsibility of each individual to have acquainted himself with the state's regulations concerning the practice of his profession. Ignorance of the law will not be accepted by the Board as an excuse from the responsibility of having broken it.

Stat. Auth.: ORS Ch.

Hist: PE 6, f. 12-19-73, ef. 1-11-74

Code of Professional Conduct

858-10-075 The Board adopts for the Code of Professional Conduct of Psychologists in Oregon the "Ethical Principles of Psychologist", adopted by the American Psychological Association's Council of Representatives January 24, 1981. The Board also adopts the "Ethical Principles in the Conduct of Research with Human Participants", copyrighted in 1981 by the American Psychological Association. Such publications are attached hereto as Appendix C and Appendix D, and by this reference made a part hereof.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Board of Psychologist Examiners.]

Stat. Auth.: ORS Ch. 675

Hist: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82

Repeal of Prior Rules

858-10-000 Upon the effective date of adoption of these rules, the prior existing Rules of the State Board of Psychologist Examiners as contained in OAR 858-10-005 to 858-10-060 shall be repealed.

Stat. Auth.: ORS Ch.

Hist: PE 6, f. 12-19-73, ef. 1-11-74

**Rules of Procedure for
Licensing Psychologist Associates
(Master's Level)**

Educational Requirements

858-10-100 The applicant shall have received a Master's degree in psychology, or a degree considered equivalent by the Board. Any "equivalent degree" master's program shall include at least 45 quarter hours or 30 semester hours of graduate credit, 30 quarter hours or 20 semester hours of which must be in graded (not "pass-no pass") courses. Extension hours and correspondence courses shall not be considered for credit. Hours shall be from no fewer than five of the basic areas of psychology, including experimental psychology, learning theory, psychological psychology, motivation, perception, comparative psychology, statistical methods, history and systems of psychology, design of research, developmental psychology, individual differences, psychological tests and measurements, social psychology, organizational psychology, personality theory, and abnormal psychology, or courses deemed equivalent by the Board. The achievement in each such course must be satisfactory and the instruction be provided in the regular graduate program of a college or university accredited by the pertinent regional accrediting bodies.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75; PE 1-1979, f. & ef. 9-5-79

Internship Requirements

858-10-105 The applicant shall have completed a full-time internship of one year in a Board-approved training setting, or one year of other supervised learning practicum deemed equivalent by the Board. The intern position and the internship setting must be oriented to application of psychological skills and knowledge. Every supervisor of an intern shall be a psychologist licensed in Oregon, a psychologist licensed in another state with standards comparable to those in Oregon, or a person considered by the Board to have equivalent training in psychology and equivalent supervisory competence. While obtaining the requisite one-year supervised internship experience, the applicant shall be an employee, or staff member, of an institution, or agency, which provides day-to-day supervised experience in his/her area(s) of specialization.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75

Experience Requirements

858-10-110 The applicant shall have completed 36 months of full-time supervised experience satisfactory to the Board. This experience shall be exclusive of the internship period, and shall ordinarily be after the receipt of the master's degree. All supervisors of the experience time shall be listed as references on the application. This post-master's experience shall be in settings considered to be appropriate psychological professional settings (agencies, academic institutions, private or public

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clinics) and supervisors shall be licensed Ph.D. psychologists, or those considered by the Board to have equivalent training in psychology and equivalent supervisory competence. Supervision during the three years of applied experience shall be equivalent to that normally exercised in comparable settings in general. During the three years it is expected that the candidate will have continued to upgrade his/her knowledge and skills through in-service training, workshops, attendance at professional meetings, use of consultants, and the like.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75

Areas of Activity

858-10-115 Applicants for psychologist associate license shall be licensed for specific activities or areas of competence, and such areas or functions shall be specified on the license. The applicant, who deems himself/herself competent in more than one area may apply for more than one. Examples of areas are the following:

- (1) Psychological Examiner, e.g., psychometrist or neuro-psychological technician;
- (2) Educational-Vocational Counselor, e.g., educational counselor, high school or college counselor, vocational counselor, or rehabilitation counselor;
- (3) Mental Health Associate, e.g., alcohol and drug counselor, behavior modification technician, or group process coleader;
- (4) School Psychologist;
- (5) Psychological Research Associate; or
- (6) Industrial Personnel Associate.

As other areas are identified by the Board, they will be added to the list. It shall be the responsibility of the applicant for the Associate license to specify his/her area of competence on the application, duly attested by the applicant's supervisor.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75

Written Examinations

858-10-120 Applicants who have met the educational and internship requirements for licensure at the psychologist associate level shall be eligible to take the written examination. The written examinations for the psychologist associate shall consist of two parts:

(1) **General Psychology Requirement.** The initial examination shall be the current examination developed by the professional testing service of the American Association of State Psychology Boards, which covers the areas mentioned in rule 858-10-100. The examination shall be administered at least twice a year by the Board. At least 20 days notice in writing shall be given to applicants eligible for examination. Completed examinations shall be forwarded to the AASPB's testing service for scoring. The cutting score for the written examination shall be one standard deviation below the cumulative national mean on that form of the examination. The applicant who fails to make a passing score on the examination shall be allowed to take the examination a second time using a different form. If the examination is failed twice, the applicant must obtain special permission from the Board to take the examination following a written request.

(2) **Specialty Requirements.** The instructions for a second written requirement will be distributed near the time of notification of results from the AASPB examination. It will consist of a self-monitored examination in the candidate's area of competence, or a work sample; the form and nature of these requirements are to be determined by the Board. The written examination or work sample is to be sent by the candidate to the members of the oral examining committee one week before

the date of the oral examination. If in the board's opinion another appropriate examination already exists in the applicant's specialty, the Board may use it as a substitute.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75; PE 1-1981(Temp), f. & ef. 12-9-81; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Oral Examination Committee

858-10-125 Candidates who have successfully completed the written examination and successfully completed the requisite 36 months of full-time supervised experience for licensure at the psychologist associate level shall be eligible to sit for the oral examination. The oral examination committee will be selected from the current list of psychologists and psychologist associates residing in Oregon. The committee for each applicant shall consist of a Chair, who shall be a member of the Board, and three psychologists and psychologist associates who shall be selected by that Chair from the list. At least one member shall be from the applicant's area of specialty. Thirty days prior written notice of the time and place of examination, shall be given to the candidates who have passed the AASPB written examination. Appearance at a scheduled oral examination shall constitute a waiver of the prior written notice. Each oral examination committee shall record its entire proceedings and make recommendations to the Board, accompanied by pertinent findings on the passage or failure of each applicant. The Board shall review the recommendation of the oral examination committee, review verbatim recordings when necessary, and make final decisions regarding passage or failure. The Board Secretary shall inform candidates in writing of the results of the oral examination, i.e. the oral examination committee recommendations and the Board's decision. A second oral examination may be recommended and conducted by the Board or by a second oral examination committee appointed by the Board; the Board's subsequent decision based on this oral examination shall be final. A candidate who is refused issuance of a license is entitled to a hearing before the Board if requested.

Stat. Auth.: ORS Ch. 675

Hist: PE 10, f. 4-10-75, ef. 5-11-75; PE 1-1979, f. & ef. 9-5-79; PE 1-1981(Temp), f. & ef. 12-9-81; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Oral Examinations — Contents

858-10-130 Each oral examination shall include the following:

(1) The applicant's knowledge and skills in the area in which he/she considers himself/herself competent to offer psychological services.

(2) The applicant's plans for evaluating, updating, and extending knowledge, skills, and services in that area.

(3) The applicant's knowledge and awareness of ethical issues and problems in his/her professional service and for psychologists in general.

(4) The applicant's awareness of current laws regulating the practice of psychology.

(5) The applicant's plans for continued supervision should he/she be licensed as a Psychologist Associate.

The oral examining committee shall also evaluate the self-monitored written specialty examination (or work sample)

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submitted by the candidate one week before the oral examination.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75

Procedure for Licensure in an Additional Area

858-10-135 A licensed Psychologist Associate may apply for licensure in an additional area by updating his/her application forms and references and by taking an oral examination and related written examinations in the new specialty area following procedures outlined above.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75

Continued Supervision of Licensed Psychologist Associates

858-10-140 Before the issuance of the license, the approved Psychologist Associate, and his/her supervising licensed Psychologist, must file with the Board a statement of his/her area of intended practice and arrangements for supervision. This information shall be updated and amended by the Associate and supervisor prior to any changes of status. The supervisor must be a licensed Psychologist. Day-to-day supervision of the licensed Associate is the responsibility of the supervisor and shall include such face-to-face consultation as is required by the nature of the work of the Associate, and is consistent with accepted professional practices in psychology. All referrals made to the Psychologist Associate shall be made through the licensed Psychologist.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75

Representation to the Public

858-10-145 It is necessary that the Psychologist Associate represent himself/herself accurately to the public. Clients shall be informed of the status of the Associate, of the fact that he/she is a licensed Psychologist Associate in a particular specialty, and is supervised by a licensed psychologist. The Associate shall inform the client that he/she may contact the supervisor for further information.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75

Application for Functioning Without Immediate Supervision

858-10-150 A licensed Psychologist Associate may apply to the Board for authority to function without immediate and direct supervision. Normally such status will be granted only after at least three years of work as a licensed Psychologist Associate at a high level of demonstrated professional proficiency. The Board shall require an oral examination and evidence of such proficiency at the time the application is made. During the first year in which these procedures are in effect, applicants with ten or more years of experience in their area of specialty may apply directly for this status and take only one set of examinations. Until such permission is granted in writing, the Psychologist Associate shall not practice without immediate supervision, but shall at all times be under the direct supervision of a licensed psychologist, or person deemed equivalent by the Board, who shall continue to be responsible for the practice of the Associate.

Stat. Auth.: ORS Ch.

Hist: PE 10, f. 4-10-75, ef. 5-11-75

**Procedures for Handling
Complaints to the Board**

Management of Complaints

858-10-200 It is the Board's intention to provide as fair and expeditious a response as possible to complaints it receives. The Board chairperson will refer any potential complaint to a Board member, or members, who will be responsible for coordinating any investigation of the complaint and for its preparation for presentation to the Board. The Board or its representatives may utilize other appropriate persons for investigation, may develop relevant information from all appropriate sources, and may work directly with the Board's counsel assigned by the Attorney General. Any Board member who may genuinely feel unable to render an impartial and objective decision will abstain from participation in the development of a case, its hearing, and any decision as to disposition. Should the Board, during its deliberations, desire additional legal counsel, it will be obtained through the Attorney General's office. In the following sections, "Board" refers to the entire Board or to its designated representative(s). All final dispositions will be reviewed by the entire Board.

Stat. Auth.: ORS Ch.

Hist: PE 11, f. 8-25-75, ef. 9-25-75

Complaints on Which the Board Can Act

858-10-205 Any person or group may initiate a complaint, providing only that they clearly identify themselves and are willing to be identified to the person about whom a complaint is made (hereafter referred to as the "respondent"). Any complaint submitted to the Board must be specific as to the action upon which the complaint is based and why this action is cause for a complaint. The Board will review and accept for consideration complaints which might affect the licensure of psychologists who are already licensed or are candidates for licensure, or which concern the possible practice of psychology by non-psychologists or unlicensed psychologists. Other types of complaints will be rejected, referred to other appropriate individuals or groups with the consent of the complainant, or will be informally handled by the Board.

Stat. Auth.: ORS Ch.

Hist: PE 11, f. 8-25-75, ef. 9-25-75

Form of Complaints

858-10-210 If the complaint is first made in verbal form, is tentative, or undocumented, the Board shall immediately request an explicit statement in writing, accompanied by documentation, or a signed complaint. The Board may advise a complainant about the nature and form of documentation required. Any and all complainants shall be advised that if a complaint is made, and the Board acts on the complaint, these allegations and the complainant's identity will be known to the respondent and his or her counsel, and the respondent's psychologist supervisor when such a relationship has been registered with the Board. They shall also be advised that they may be requested to appear at a formal hearing, which will be conducted according to the procedures outlined in ORS 183.310 to 183.500. If the complainant is a client or former client of the respondent, the complainant must sign a waiver of confidentiality allowing the Board and its counsel access to records and other materials which are the ethical and legal responsibility of the respondent. Refusal by a complainant to comply with these requirements will result in dismissal of the complaint.

If a Board member should become a complainant or a respondent, the same procedures will apply as would apply in any other case. The Board member will, in addition, abstain from any informal discussion of the complaint with the Board.

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and will abstain from deliberations carried out by the Board. In other words, the Board member will become a "private citizen" in such a situation.

Stat. Auth.: ORS Ch.

Hist.: PE 11, f. 8-25-75, ef. 9-25-75

Notification of Respondent

858-10-215 If the preceding conditions have been met or consented to by the complainant, the Board will direct the Board's secretary to send a registered letter to the respondent stating in brief and general terms the nature of the charge and its source, and requesting information on which to be guided in its disposition of the complaint. When appropriate, waivers of confidentiality will be included with this letter. A written reply, accompanied by any documentation the respondent considers relevant, will be requested within 30 days.

Whenever a complaint is made against a person acting under the supervision of a licensed Psychologist, the supervisor shall be simultaneously notified of all communications, actions by the Board, etc., with the clear communication to him or her that a judgment against the supervisee may result in action affecting the licensure of the supervisor.

Should there be no reply from the respondent, a second letter noting the failure to reply and asking for an immediate response shall be sent, informing the respondent that the Board will have to reach a disposition decision without his/her information at its next regularly scheduled Board meeting. If there is no response, the Board will proceed to review the complaint and determine what action shall be taken. A formal hearing may be called even though there has been no response to the Board's requests.

If there is a reply from the respondent, it will be reviewed by the Board, in consultation with the Board's counsel when appropriate, and evaluated. Additional or more specific information may be requested when indicated. Materials may be accepted from the respondent, his/her counsel, and his/her supervisor. Written statements from any other persons should be accompanied by an explanation of their relevance to the matter under consideration.

Stat. Auth.: ORS Ch.

Hist.: PE 11, f. 8-25-75, ef. 9-25-75

Presentation to the Board

858-10-220 When all materials are assembled, the Board will review the file in consultation with the Board's counsel, if necessary. A determination will be made as to whether the case should be presented to the full Board for informal review and procedural decisions, or should be presented at a formal hearing. Either the designated Board member or the Board's counsel will ordinarily make formal presentations to the Board, following the procedures outlined in ORS 183.310 to 183.500, and shall clearly set forth the issues on which the Board should consider possible action. The complainant, respondent, and/or their legal advisors may attend informal reviews of the complaint upon request to the Board.

Stat. Auth.: ORS Ch.

Hist.: PE 11, f. 8-25-75, ef. 9-25-75

Board Action

858-10-225 (1) Informal disposition. When the Board determines, or determines in consultation with the Board's counsel, that a complaint does not warrant a formal hearing, a designated Board member or the Board secretary shall draw up appropriate communications to all parties involved in the action.

(2) Formal disposition. If the Board member and Board counsel determine that a complaint has sufficient substance to warrant formal review by the Board, a hearing shall be

scheduled and conducted according to ORS 183.310 to 183.500. The Board may conduct the hearing with its chairperson or vice-chairperson presiding, or with a hearings officer present and presiding. The Board may, however, elect to have the case heard by a hearings officer, and then review his/her findings and recommendations.

Upon completion of the hearing, the Board shall act to:

(a) Dismiss the complaint; or

(b) Deny, restrict, suspend, or revoke the respondent's license.

(3) A complaint about a licensed Psychologist Associate or unlicensed supervised Psychological Resident will be regarded as a simultaneous complaint about the Associate's or Resident's supervising licensed Psychologist. Action regarding the licensure status of one should be accompanied or closely followed by action regarding the licensure status of the other.

(4) A written summary of the Board's dispositional action and supporting rationale shall be provided within 30 days of a hearing to the complainant, respondent, respondent's registered psychologist supervisor, if any, and all involved attorneys. This summary, along with the record of a formal hearing, will become the basis for a statement of the Board's action and supportive rationale in the event of an appeal of the Board's ruling.

Stat. Auth.: ORS Ch.

Hist.: PE 11, f. 8-25-75, ef. 9-25-75

Board Records

858-10-230 If the Board determines to act to restrict, suspend, or revoke a license, notice to this effect will be placed in the current edition of the directory of licensed psychologists, and will remain there for the duration of the restrictive action, or for a period determined by the Board in the case of license revocation. Thereafter, inquiries about the respondent's status should be answered routinely by the Board's secretary with a simple report of the actions. Requests for additional information should be considered by the full Board, acting with the advice of its counsel. Individual Board members or their employees should abstain from discussion of details of complaints outside of the official activities described in these rules.

Stat. Auth.: ORS Ch.

Hist.: PE 11, f. 8-25-75, ef. 9-25-75

Disposition When Complaint Does Not Involve a Licensed Psychologist or Psychologist Associate

858-10-235 In cases which do not involve a currently-licensed Psychologist or Psychologist Associate or applicant for licensure, after steps set out in rules 858-10-200 through 858-10-215 where applicable have been followed, the Board may:

(1) Dismiss the complaint, notifying the complainant and the respondent of the action and reasons for it; or

(2) Refer the files to the District Attorney in the appropriate county, requesting investigation and disposition; or

(3) Initiate an injunction to prohibit the action considered to be in violation of ORS 675.

Stat. Auth.: ORS Ch.

Hist.: PE 11, f. 8-25-75, ef. 9-25-75

Board's Responsibility to the Public

858-10-240 The Board shall take responsibility for informing the public and the profession as to the ethics and nature of psychological activities. At such times and in such manner as the Board may deem appropriate, it should provide psychologists in the state, the general public, and particularly interested other groups with information about the nature of the licensure law, what may constitute violations of the law.

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and how inquiry about possible violations or complaints may appropriately be made. When inquiry is made, the Board may informally comment on the probable legal status of an activity which falls or might fall under ORS 675, but it should refrain from any statement or action which might be construed as an official opinion.

Stat. Auth.: ORS Ch.
Hist: PE 11, f. 8-25-75, cf. 9-25-75

n. Individual Differences	_____	_____	_____	_____
	_____	_____	_____	_____
o. Psychological Tests and Measurements	_____	_____	_____	_____
	_____	_____	_____	_____

Total Credits in Basic Areas of Psychology: _____

3. ADDITIONAL COURSES CLAIMED TO BE FUNDAMENTALLY PSYCHOLOGICAL:

<u>Title of Course</u>	<u>University</u>	<u>No. of Credits</u>	<u>Comments</u>
_____	_____	_____	_____
_____	_____	_____	_____

Total Credits of additional courses claimed to be Psychological: _____

4. COURSES BY EXTENSION: Were any of the above courses taken by extension? Yes.
If so, indicate which ones under "Comments."

EDUCATIONAL RECORD IN PSYCHOLOGY

The above is a provisional form to be filled out by doctoral applicants for licensure in psychology in Oregon. The State Board of Psychologist Examiners has had some difficulty in the past with the question of who is a psychologist by training. The form is intended to clarify the educational background of applicants.

Statement concerning educational requirements and the definition of psychology:

A "doctoral degree in psychology from an accredited college or university" shall mean a Ph.D. in a graduate department of psychology accredited by the pertinent agencies of the American Association of Colleges and Universities. The Board may also, in its discretion, accept a Ph.D. or Ed.D. in a department other than psychology, provided that such a program is comparable to that offered in a graduate department of psychology. The program shall include at least 60 quarter hours or 40 semester hours of formal graduate study in psychology. These hours (in toto) shall be in no fewer than five of the basic areas of psychology listed in item 2 above, the achievement in each such course having been satisfactory and the instruction having been provided in the regular graduate program of a degree-granting institution recognized by the Board. The number of university extension credits that may be credited toward the requirement for the doctoral degree shall not exceed 15 quarter hours (10 semester hours).

INSTRUCTIONS: Use the official transcripts you are submitting to fill out the form. Note that the primary emphasis is on allocation of courses to the basic areas of psychology as defined above. Convert all credits to either semester or quarter units. For instance, if some are in semester credits, multiply the semester credits by 3/2 to convert them into quarter credits. If only a few are in quarter credits, multiply the quarter credits by 2/3 to convert them into semester credits. Round to the nearest integer. List only graduate courses.

In item 3 on the form you may add other courses for consideration as being fundamentally psychological. Do not list courses which are primarily of a nature that is education, sociology, business administration or other disciplines; the general character of the definition of psychology given above must be kept in mind. A small number of courses in statistics may be credited if these were used to fulfill requirements of the doctoral degree. For these additional courses, provide documentation as to the nature of the courses that make them primarily psychological, such as course description from official university catalogs, copy of course outline, textbooks used, or letters from the instructor or department head.

Please use additional sheets where necessary.

COMMENTS: The Board is trying to find ways to clearly differentiate between what is psychology and what is not psychology in training. Ideas and criticisms of this procedure and form would be welcome. Please attach any comments you may have.

NAME _____

Date _____

State Board of Psychologist Examiners
EDUCATIONAL RECORD IN PSYCHOLOGY

1. UNIVERSITIES AND CREDITS: (Please indicate Semester (sem) or Quarter (qtr) credits)

<u>Name of University</u>	<u>Kind of Credits</u>	<u>Name of University</u>	<u>Kind of Credits</u>
_____	_____	_____	_____
_____	_____	_____	_____

2. BASIC AREA OF PSYCHOLOGY: (The following graduate courses are SEMESTER/QUARTER credits)

<u>Area</u>	<u>Title of Course</u>	<u>University</u>	<u>No of Credits</u>	<u>Comments</u>
a. Experimental Psychology	_____	_____	_____	_____
	_____	_____	_____	_____
b. Statistical Methods	_____	_____	_____	_____
	_____	_____	_____	_____
c. Research Design	_____	_____	_____	_____
	_____	_____	_____	_____
d. Learning Theory	_____	_____	_____	_____
	_____	_____	_____	_____
e. Physiological Psychology	_____	_____	_____	_____
	_____	_____	_____	_____
f. Comparative Psychology	_____	_____	_____	_____
	_____	_____	_____	_____
g. Motivation	_____	_____	_____	_____
	_____	_____	_____	_____
h. Perception & Thinking	_____	_____	_____	_____
	_____	_____	_____	_____
i. History & Systems	_____	_____	_____	_____
	_____	_____	_____	_____
j. Developmental	_____	_____	_____	_____
	_____	_____	_____	_____
k. Personality Theory	_____	_____	_____	_____
	_____	_____	_____	_____
l. Abnormal Psychology	_____	_____	_____	_____
	_____	_____	_____	_____
m. Social Psychology	_____	_____	_____	_____
	_____	_____	_____	_____

-OVER-

OHIO - Please See page 5 of the Statutes
and pages 15, 16, & 17 of the regs

OHIO STATE BOARD OF PSYCHOLOGY

65 South Front Street — Room 507
Columbus, Ohio 43215
(614) 466-8898

OHIO PSYCHOLOGY LAW

Chapter 4732 of the Revised Code
Effective September 22, 1972

RULES GOVERNING PSYCHOLOGISTS

Chapter 4732 of the Administrative Code
Promulgated by the State Board of Psychology
Effective Dates: April 14, 1975
December 30, 1977
September 1, 1981

To supplement Sections 4732.01 to 4732.26 and Section 4732.99, inclusive, of the Revised Code of the State of Ohio, as provided for under the Administrative Procedure Act, Sections 119.01 through 119.13 of the Revised Code.

1935-86 BOARD MEMBERS

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OHIO PSYCHOLOGY LAW — Chapter 4732 of the Revised Code (Amended Substitute Senate Bill No. 176) Effective September 22, 1972

To amend section 3319.22, and to enact sections 4732.01 to 4732.25, and section 4732.99 of the Revised Code to create a State Board of Psychology to license psychologists. (Regarding fees stated in law, see section 4732.26, effective October 28, 1977.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3319.22 be amended, and sections 4732.01, 4732.02, 4732.03, 4732.04, 4732.05, 4732.06, 4732.07, 4732.08, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.15, 4732.16, 4732.17, 4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.23, 4732.24, 4732.25, and 4732.99 of the Revised Code be enacted to read as follows:

Section 3319.22. [Pertains to issuance of teachers' certificates — includes school psychologists with pupil-personnel workers in subsection (K); otherwise, this section does not pertain to psychology]

Sec. 4732.01. As used in sections 4732.01 to 4732.25 of the Revised Code:

(A) "Psychologist" means any person who holds himself out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," "psychology," or any other terms that imply he is trained, experienced, or an expert in the field of psychology.

(B) "The practice of psychology" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the application of psychological procedures to assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders of individuals or groups; or to the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing psychological problem. Practice of psychology includes the practice of school psychology. For purposes of this chapter, teaching or research shall not be regarded as the practice of psychology, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which patient or client welfare is directly affected.

(C) "Psychological procedures" include but are not restricted to application of principles, methods, or procedures of understanding, predicting, or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions, or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, behavior modification, environmental manipulation, group process, psychological psychotherapy, or hypnosis; and the methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, or motivation.

(D) "School psychologist" means any person who holds himself out to the public by any title or description of services incorporating the words "school psychologist" or "school psychology," or

who holds himself out to be trained, experienced, or an expert in the practice of school psychology.

(E) "Practice of school psychology" means rendering or offering to render to individuals, groups, organizations, or the public any of the following services:

(1) Evaluation, diagnosis or test interpretation limited to assessment of intellectual ability, learning patterns, achievement, motivation, or personality factors directly related to learning problems in an educational setting;

(2) Counseling services for children or adults for amelioration or prevention of educationally related learning problems;

(3) Educational or vocational consultation or direct educational services. This does not include industrial consultation or counseling services to clients undergoing vocational rehabilitation.

(F) "Licensed psychologist" means an individual holding a current, valid license to practice psychology issued under section 4732.12 or 4732.15 of the Revised Code.

(G) "Licensed school psychologist" means an individual holding a current valid license to practice school psychology issued under section 4732.12 or 4732.15 of the Revised Code.

(H) "Certificated school psychologist" means an individual holding a current, valid school psychologist certificate issued under division (K) of section 3319.22 of the Revised Code.

Sec. 4732.02. The Governor, with the advice and consent of the Senate, shall appoint a State Board of Psychology consisting of seven persons who are citizens of the United States and residents of this state. One member shall not be a psychologist or other health professional. Each of the remaining members shall be a licensed psychologist. Of the original members, two shall be appointed for one year terms, one for two years, two for three years, one for four years, and one for five years. Thereafter, terms of office shall be for five years, commencing on the sixth day of October and ending on the fifth day of October. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of his term until his successor takes office or until a period of sixty days has elapsed, whichever occurs first. No person shall be appointed to more than two five-year terms in succession. The psychologist members of the Board shall be so chosen that they represent the diverse fields of specialization and practice in the profession of psychology. The Governor may make such appointments from lists submitted annually by the Ohio Psychological Association and by the Ohio School Psychologists Association. A vacancy in an unexpired term shall be filled in the same manner as the original appointment. The Governor may remove any member for malfeasance, misfeasance, or nonfeasance after hearing in accordance with Chapter 119. of the Revised Code.

Sec. 4732.03. The State Board of Psychology shall organize within thirty days after its members have

been appointed by the Governor. The Board shall elect a President and a Secretary from its members to serve for terms of one year. The President and the Secretary may administer oaths. A majority of the Board constitutes a quorum. The Secretary shall be compensated for his necessary expenses incurred in the performance of his official duties.

Sec. 4732.04. The Secretary of the State Board of Psychology shall give a bond to the state in the sum of ten thousand dollars, with two or more sureties approved by the Board, conditioned upon the faithful discharge of the duties of his office. Such bond shall be deposited with the Secretary of State.

Sec. 4732.05. The members of the State Board of Psychology shall receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day employed in the discharge of their official duties, and their necessary expenses while engaged therein.

Sec. 4732.06. The principal office of the State Board of Psychology shall be in Columbus, but it may meet or conduct business at any place in this state. The Board may empower any one or more of its members to conduct any proceeding, hearing, or investigation necessary to its purposes. The Board shall meet at least twice annually and at such other times as it determines. Special meetings may be called by the President and shall be called by the Secretary upon the written request of two members.

The Board shall make such rules as are necessary to conduct its business.

The Board may employ such assistants and clerical help as are necessary to administer and enforce this chapter.

Sec. 4732.07. The State Board of Psychology shall keep a record of its proceedings and a register of applicants for licenses. The books and records of the Board shall be prima-facie evidence of the matters therein contained. Such records shall include applicants' written examination papers.

Sec. 4732.08. All receipts of the State Board of Psychology from any source shall be deposited in the State Treasury to the credit of the General Revenue Fund.

Sec. 4732.09. Each person who desires to practice psychology or school psychology shall file with the Secretary of the State Board of Psychology a written application, under oath, on a form prescribed by the Board.

Sec. 4732.10. (A) The State Board of Psychology shall appoint an Entrance Examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate examination.

(B) Requirements for admission to examination for a psychologist license shall be that the applicant:

- (1) is at least twenty-one years of age;
- (2) is of good moral character;
- (3) is a citizen of the United States or has legally declared his intention of becoming such;
- (4) has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory

standards an earned doctoral degree in psychology, school psychology, or a doctoral degree deemed equivalent by the Board;

(5) has had at least two years of supervised professional experience in psychological work of a type satisfactory to the Board, at least one year of which must be postdoctoral.

The Board shall maintain a record of each specific degree program which it recognizes as acceptable for fulfilling the requirement of division (B) (4) of this section and shall adopt guidelines for the kind of supervised professional experience which fulfill the requirement of division (B) (5) of this section.

(C) Requirements for admission to examination for a school psychologist license shall be that the applicant:

(1) has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, including those approved by the State Board of Education for the training of school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the Board;

(2) is at least twenty-one years of age;

(3) is of good moral character;

(4) is a citizen of the United States or has legally declared his intention of becoming such;

(5) has completed at least sixty quarter hours, or the semester hours equivalent, at the graduate level, of accredited study in course work relevant to the study of school psychology;

(6) has completed an internship in an educational institution approved by the Ohio Department of Education for school psychology supervised experience or one year of other training experience acceptable to the Board, such as supervised professional experience under the direction of a licensed psychologist or licensed school psychologist;

(7) furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the State Board of Education, or of experience which the Board deems equivalent.

(D) If the Entrance Examiner finds that the applicant meets the requirements set forth in this section, the applicant shall be admitted to the appropriate examination.

Sec. 4732.11. License examinations shall be conducted under rules prescribed by the State Board of Psychology. Each applicant shall be examined for knowledge in whatever theoretical or applied fields of psychology the Board considers appropriate. The examination for the school psychologist license shall be prepared and administered by a School Psychology Licensing Committee responsible to the Board and consisting of five licensed school psychologists or licensed psychologists who shall be certificated school psychologists appointed by the Board for staggered five-year terms, according to rules adopted by the Board.

Examinations shall be given at least twice annually at such time and place and under such supervision as the Board prescribes. Except as provided in section 4732.16 of the Revised Code, each applicant shall pay an application and license fee established by the Board of not less than fifty nor more than

100 dollars, no part of which shall be returned. If an applicant fails an examination, he may be admitted, after no less than six months, to a subsequent examination upon payment of an additional fee as established by the Board. After failing three examinations, a person is not eligible for licensure until he completes such additional training as the Board prescribes.

Sec. 4732.12. The State Board of Psychology shall grade examinations conducted under section 4732.11 of the Revised Code and uniformly apply such standards as it considers appropriate in determining the level of competence necessary for a passing score. The level of competence necessary for a passing score for the school psychologist examination shall be determined by the School Psychology Examining Committee. If an applicant passes the examination and has paid the required fee, the Board shall issue the appropriate license.

Sec. 4732.13. A license issued by the State Board of Psychology shall remain in effect until suspended or revoked. A current, valid psychologist license shall entitle the holder to practice psychology. A current, valid school psychologist license shall entitle the holder to practice school psychology.

Sec. 4732.14. On or before the thirty-first day of August of each even-numbered year, each person licensed by the State Board of Psychology shall register with the Board on a form prescribed by the Board, giving his name, address, license number, and such other reasonable information as the Board requires, and pay to the Board Secretary a biennial registration fee in the amount determined by the Board, but not to exceed 100 dollars. A person licensed for the first time on or before the thirty-first day of August of an even-numbered year shall next be registered on or before the thirty-first day of August of the next even-numbered year. Before the first day of August of each even-numbered year, the Secretary shall send a notice to each licensed psychologist and licensed school psychologist, whether a resident or not, at his last known address, that his biennial registration fee is due on or before the last day of August. Before the fifteenth day of September of such years, the Secretary shall send a second notice to each such person who has not paid his registration fee as required by this section. A license of any licensed psychologist or licensed school psychologist shall automatically be suspended if the biennial registration fee is not paid on or before the thirtieth day of September of a renewal year. Within five years thereafter, the Board may reinstate any license so suspended upon payment of the current registration fee and a penalty not to exceed fifty dollars, as determined by the Board. The Board may by rule waive the payment of the registration fee of a licensed psychologist or licensed school psychologist when he is on active duty in the armed forces of the United States.

Each licensed psychologist and licensed school psychologist shall notify the Secretary of any change in his office address or employment within ninety days of such change.

Sec. 4732.15. (A) Upon application by a psychologist or school psychologist licensed or certified by the licensing department of another state, a territory, or the District of Columbia, or a psychologist or school psychologist holding a diploma issued by

the American Board of Professional Psychology, who wishes to remove to this state to practice, the State Board of Psychology may issue a license to practice psychology or school psychology without requiring the applicant to submit to examination, provided he meets the requirements for entrance to the appropriate examination under section 4732.10 of the Revised Code. Application shall be made on a form prescribed by the Board.

(B) The Board shall issue a license without examination:

(1) to any person who makes application for a license as a psychologist within two years and two months after the effective date of this section and who meets the requirements of division (B) of section 4732.10 of the Revised Code; [deadline November 22, 1974]

(2) to any person who:

(a) is a resident on the effective date of this act and makes application for a license as a psychologist within four years and two months after such date; [deadline November 22, 1976]

(b) meets the requirements of division (B) (1), (2), and (3) of section 4732.10 of the Revised Code;

(c) possesses a master's degree in psychology or school psychology from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, or a master's degree which in the opinion of the Board is the equivalent thereof and has subsequently engaged in psychological work of a type satisfactory to the Board for at least four years prior to the date application is filed.

The equivalent of four school years of full-time employment by a board of education in the practice of school psychology or by a private school meeting the standards prescribed by the State Board of Education under division (D) of section 3301.07 of the Revised Code after certification as a school psychologist shall satisfy the experience requirements of this section. The equivalent of one year of internship or clerkship training in a program acceptable to the State Board of Psychology and subsequent to the master's degree shall be applied toward the four-year experience requirement.

(3) to any person who:

(a) is a resident on the effective date of this section and makes application for a license as a psychologist within six months after such date; [deadline March 22, 1973]

(b) does not meet the requirements of divisions (B) (1) and (B) (2) of this section;

(c) has, in the opinion of the State Board of Psychology, had appropriate experience in the practice of psychology and demonstrates to the Board's satisfaction professional competence in the practice of psychology. The Board may use records, interviews, letters of reference, or formal evaluation, including examination, to assess such applicant's level or competence.

Sec. 4732.16. Each applicant under section 4732.15 of the Revised Code shall pay a fee established by the State Board of Psychology of not less than fifty or more than 100 dollars, no part of which shall be returned. An applicant who is denied licensure under section 4732.15 of the Revised Code may apply for licensure under section 4732.10 of the Revised Code within one year from the date of the denial and upon payment of a fee (up to) 25 dollars.

Sec. 4732.17. The State Board of Psychology may refuse to issue a license to any applicant, may issue a reprimand, or suspend or revoke the license of any licensed psychologist or licensed school psychologist, on any of the following grounds:

(A) conviction of a felony, or any offense involving moral turpitude, in a court of this or any other state or in a federal court;

(B) using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

(C) accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(D) willful unauthorized communication of information received in professional confidence;

(E) being negligent in the practice of psychology or school psychology;

(F) using any controlled substance or alcoholic beverage to an extent that such use impairs his ability to perform the work of a psychologist or school psychologist with safety to the public;

(G) violating any rule of professional conduct promulgated by the Board;

(H) practicing in an area of psychology for which the person is clearly untrained or incompetent;

(I) an adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have his license issued or restored only upon determination by a court that he is competent for the purpose of holding the license and upon the decision by the Board that such license be issued or restored. The Board may require an examination prior to such issuance or restoration.

Before the Board may deny, suspend, or revoke a license under this section, or otherwise discipline the holder of a license, written charges shall be filed with the Board by the Secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code.

Sec. 4732.19. At any time after the suspension or revocation of license, the State Board of Psychology may restore the license upon the written finding by the Board that circumstances so warrant. The Board may require an examination of the applicant before such restoration.

Sec. 4732.19. The confidential relations and communications between a licensed psychologist or licensed school psychologist and client are placed upon the same basis as those between physician and patient under division (B) of Section 2317.02* of the Revised Code. Nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

*2317.02, Ohio Revised Code: The following persons shall not testify in certain respects: . . . (B) A physician concerning a communication made to him by his patient in that relation or his advice to his patient but the physician may testify by express consent of the patient or if the patient is deceased by the express consent of the surviving spouse or the executor or administrator of the estate of such deceased patient or if the patient voluntarily testifies the physician may be compelled to testify on the same subject, or if the pa-

tient, his executor or administrator, files a medical claim, as defined in division (D) (3) of section 2305.11 of the Revised Code, such filing shall constitute a waiver of this privilege with regard to the care and treatment of which complaint is made. The provisions of this division apply to doctors of medicine, doctors of osteopathic medicine, and doctors of podiatric medicine.

Sec. 4732.20. This chapter does not authorize any person to engage in any of the acts which are regarded as practicing medicine under section 4731.34 of the Revised Code. In order to make provision for the diagnosis and treatment of medical problems, a licensed psychologist engaging in psychological psychotherapy with clients shall maintain a consultative relationship with a physician licensed to practice medicine by this state. The practice of psychology, the practice of school psychology, or the use of psychological procedures does not include the diagnosis or correction of optical defects or conditions through the utilization of optical principles, including optical devices or orthoptics.

Sec. 4732.21. (A) On and after December 1, 1972, no person who is not a licensed psychologist shall offer or render services as a psychologist or otherwise engage in the practice of psychology for a compensation or other personal gain.

(B) On and after December 1, 1972, no person who is not a licensed psychologist or a licensed school psychologist shall offer or render services as a school psychologist or otherwise engage in the practice of school psychology for a compensation or other personal gain.

Sec. 4732.22. The following persons are exempted from the licensing requirements of this chapter:

(A) A certificated school psychologist, while practicing school psychology within the scope of his employment by a board of education or by a private school meeting the standards prescribed by the State Board of Education under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of his employment in a program for trainable mentally retarded children established under Chapter 3323. or 5126. of the Revised Code. A person exempted under this division shall not offer psychological services to any other individual, organization, or group for remuneration, monetary or otherwise, unless he is licensed by the State Board of Psychology.

(B) Any nonresident temporarily employed in this state to render psychological services for not more than thirty days a year who, in the opinion of the Board, meets the standards for entrance in division (B) of section 4732.10 of the Revised Code, and who holds whatever license or certificate, if any, is required for such practice in his home state or home country.

(C) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under this chapter. All fees shall be billed under the name of the licensee, and the employee shall not represent himself to the public as a psychologist or school psychologist although supervised persons and persons in training

may be ascribed such titles as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status.

(D) Unlicensed person holding a master's degree or doctoral degree in psychology from a program approved by the Board while working under the supervision of a licensed psychologist. The Board shall establish rules governing such supervisory relationship which shall include a regulation requiring registration with the Board of such unlicensed person.

(E) Any student in an accredited educational institution, while carrying out activities that are part of his prescribed course of study, provided such activities are supervised by a professional person who is qualified to perform such activities and is licensed under this chapter or is exempted under division (F) or (G) of this section or division (B) or (D) of section 4732.23 of the Revised Code. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

(F) Duly ordained ministers while functioning in their ministerial capacity.

(G) Qualified social workers while functioning in their capacity as social workers.

Sec. 4732.23. Nothing in this chapter shall:

(A) be construed to limit the activities, services, and use of official title on the part of a person in the employ of the federal government insofar as such activities are a part of the duties of his position;

(B) restrict persons licensed, certified, or registered under any other provision of the Revised Code from practicing those arts and utilizing psychological procedures that are allowed and within the standards and ethics of their profession or within new areas of practice that represent appropriate extensions of their profession, provided they do not hold themselves out to the public by the title of psychologist;

(C) restrict any person in any capacity from offering services of a psychological nature, provided they neither hold themselves out to the public by the title of psychologist or school psychologist nor utilize psychological procedures that the State Board of Psychology judges by uniform rule in accordance with Chapter 119. of the Revised Code to

be a serious hazard to mental health and to require professional expertise in psychology;

(D) be construed as restricting the use of the term "social psychologist" by any person who has an earned doctoral degree in social psychology or in sociology with a social psychology major, from a sociology or social psychology department of an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, and who has filed with the State Board of Psychology the facts demonstrating his possession of such a degree.

Sec. 4732.24. On complaint by the State Board of Psychology, the unlawful practice of psychology or school psychology may be enjoined by the common pleas court of the county in which such practice is occurring.

Sec. 4732.25. All fines collected for violation of section 4732.21 of the Revised Code shall be distributed as follows:

(A) one half to the State Board of Psychology;

(B) one half to the municipal corporation in which the offense was committed or, if the offense was committed outside a municipal corporation, to the county in which the offense was committed.

Money received by a municipal corporation or a county shall be paid into its general fund and may be used for any lawful purpose.

Sec. 4732.26. The Board of Psychology directors, subject to the approval of the Controlling Board, may establish fees in excess of the amounts provided by sections 4732.01 to 4732.99 of the Revised Code, provided that such fees do not exceed the amounts permitted by those sections by more than fifty percent. (Am. Sub. H. B. 618, effective October 28, 1977)

Sec. 4732.99. Whoever violates section 4732.21 of the Revised Code shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than six months nor more than one year, or both. Each violation shall be a separate offense.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 23rd day of June, A.D. 1972.

Effective September 22, 1972.

RULES GOVERNING PSYCHOLOGISTS

(Effective dates — April 14, 1975; December 30, 1977, and September 1, 1981)

4732-1-01, Board Meetings; Miscellaneous Forms of Public Notice

(A) Any person may ascertain the time and place of any individual regularly scheduled meeting, as well as the time, place and purpose of any individual special meeting, by:

(1) Writing to the board address and enclosing a self-addressed, business-size (at least four inches by nine and one-half inches) envelope which has affixed to it the equivalence of first-class United States postage at the time of the request and appropriate for mailing that enclosed envelope. Such person requesting the above-mentioned information as to either an individual regularly scheduled meeting or an individual special meeting shall mail his request sufficiently early in time as to allow the board and its staff two weeks before such regular or special meeting, within which to process such request. The present address is: "State Board of Psychology, Public Notifier, 65 South Front Street — Room 507, Columbus, Ohio 43215." Failure of the requesting party to comply with any of the above requirements relieves the board of any obligation to notify such person under paragraph (A) (1) of this rule.

(2) Calling the office of the state board of psychology [present telephone number being (614) 466-8808] during normal business hours, which are from eight a.m. to four-thirty p.m., Monday through Friday, legal holidays excepted. No collect calls will be accepted under any circumstances.

(3) Consulting a binder located in the offices of the board, presently in the "Ohio Departments Building, 65 South Front Street — Room 507, Columbus, Ohio," during normal business hours, which are from eight a.m. to four-thirty p.m., Monday through Friday, legal holidays excepted.

(B) Any representative of the news media may obtain twenty-four hours' advance notice of all special meetings, except in the event of an emergency requiring immediate official action, by requesting in writing, in the manner designated, that such notice be provided. Such notice will be given, however, to only one representative of any particular publication or radio or television station. A request for such notification shall be addressed to: "State Board of Psychology, Public Notifier, 65 South Front Street — Room 507, Columbus, Ohio 43215."

(1) Such a written request for advance notice of all special meetings shall operate to require the board to give such notice for the period of time subsequent to the date of receipt by the board of such request; and

(a) Ending at one minute after midnight on the first day of January immediately succeeding such request; or

(b) Until such requesting person notifies the board in writing that he has left the employ of the particular publication, radio or television station, whichever period is shorter.

(2) The request shall provide the name of the individual media representative to be contacted, his mailing address and a maximum of two telephone numbers where he can be reached. The state board of psychology shall maintain a list of all representatives of the news media who have requested notice of special meetings pursuant to paragraph (B) of this rule.

(3) In the event of a special meeting not of an emergency nature, the state board of psychology shall notify all media representatives on the list of such meeting by doing at least one of the following:

(a) Sending written notice, which must be mailed no later than four calendar days prior to the day of the special meeting;

(b) Notifying such representatives by telephone no later than twenty-four hours prior to the special meeting: such telephone notice shall be complete if a message has been left for the representative, or if, after reasonable effort, the state board of psychology has been unable to provide such telephone notice;

(c) Informing such representative personally no later than twenty-four hours prior to the special meeting. Nothing in this paragraph shall require the board to provide personal notification at any time, except as provided in paragraph (B) (4) of this rule.

(4) In the event of a special meeting of an emergency nature, the state board of psychology shall immediately notify all media representatives on the list of such meeting.

(5) In giving the notices required by paragraph (B) (3) or (B) (4) of this rule, the state board of psychology may rely on assistance provided by any member of its staff and such notice is complete if given by such member in the manner provided in paragraph (B) (3) or (B) (4) of this rule.

(6) It shall be the sole responsibility of the particular media representative, publication, radio or television station to advise the board of:

(a) Its desire to renew its request for notification at the expiration of the period designated in paragraph (B) (1) of this rule; and

(b) Any change in the name or address of the person within such publication, radio or television station to whom the board is to direct the advance notice.

(7) Failure of any news media or representative thereof to comply with all of the above requirements shall relieve the board of any obligation under paragraph (B) of this rule, as to advance notice of any type of special public meeting.

(8) Any media representative may request notice of the time and place of all regularly scheduled meetings in accordance with paragraph (C) of this rule.

(C) Any person may, upon payment of an annual fee to be set once a year on an estimated cost per service basis, receive notice of all meetings of the board or its committees at which specific subject matters designated by such persons are scheduled to be discussed. In order to receive notification, such person must provide to the board, annually, fifteen self-addressed, business-size (at least four inches by nine and one-half inches) stamped envelopes for the mailing of the notices. Such notice shall be mailed no later than seven calendar days prior to the day of the meeting. Said self-addressed, business-size envelopes shall have affixed to them the equivalence of first-class United States postage appropriate for mailing the enclosed envelopes at the time of the request. The board may designate more general subject matters than are specified by persons requesting notice, in order to reasonably limit the variety of lists or persons to receive notices.

(1) It shall be the sole responsibility of any person requesting notice to provide the board with ample written notice of change of address or name.

(2) Such person requesting the notification provided in paragraph (C) of this rule shall mail the payment and requisite self-addressed envelopes sufficiently early in time to allow the board and its staff two weeks before the next regularly scheduled meeting or special meeting, within which to process such request.

(3) Said annual fee shall be remitted to the board solely in the following manner: cashier's check, money order, or certified check. No cash will be accepted. Said instruments shall be made payable to "Treasurer, State of Ohio." Said annual fee is nonrefundable in whole or in part.

(4) Failure of the person making request to comply with any of the above requirements shall relieve the board of, and discharge, any obligation to that person under paragraph (C) of this rule.

(5) The obligation of the board under paragraph (C) of this rule to each person fully complying with said paragraph, for each individual regularly scheduled or special meeting, shall also be deemed discharged upon mailing of notice of said meeting to the most current mailing address and name on file with the board for this purpose, as of seven days prior to the particular regularly scheduled or special meeting.

(D) The unapproved minutes of a regularly scheduled or special meeting shall be recorded and open to public inspection in the manner provided for in paragraph (A) (3) of this rule, within ten business days after their recordation. Within ten business days after their approval by the board, the approved minutes of a regularly scheduled or special meeting shall be substituted for the unapproved minutes, and the former shall be open for public inspection in the manner provided for in paragraph (A) (3) of this rule.

Effective September 1, 1981

4732-1-02. Application for Licensure

(A) All applicants for licensure as a psychologist or school psychologist shall file with the secretary of the board a written application, under oath and duly notarized, on a form prescribed by the board.

(B) When the application is for admission to examination as provided for in section 4732.10 of the Revised Code, all documents required to be filed by the applicant should be filed no later than two months prior to the first day of the examination month; otherwise the board is not obligated to process the application in time to admit the applicant to the next examination.

(C) All applications for a license to practice psychology or school psychology shall be accompanied by:

(1) The grade transcripts from all graduate universities or colleges which the applicant has attended, said transcripts bearing the official seal of the college or university. Said transcripts are to be sent directly to the board office by the college or university.

(2) Notarized statements from those persons who have supervised the applicant's professional work experience in psychology or school psychology; said statements shall set forth the supervisor's own qualifications, his familiarity with the applicant, the extent of his supervision over such applicant, and

his evaluation of the applicant. Exception: In the case of a certificated school psychologist who is working toward admission to the examination for a school psychologist license under division (C) of section 4732.10 of the Revised Code and who is employed by a board of education or by a private school meeting standards prescribed by the state board of education, the superintendent or other similar official verifies in a notarized statement the term of employment of said school psychologist. Effective December 30, 1977

4732-1-03. Fees

Fees provided for throughout Chapter 4732. of the Revised Code shall be established by the board in the amounts not to exceed the maximum allowable pursuant to section 4732.26 of the Revised Code. Current fees on the effective date of this rule are subject to change by action of the board, the controlling board, and/or the general assembly. Information about fees may be obtained by writing or calling the board office. Such fees, for which checks are made payable to "Treasurer, State of Ohio" but are mailed to the board at the board address, include:

(A) Application and license fee — seventy-five dollars;

(B) Biennial registration (renewal) fee — seventy-five dollars, unless the fee is waived according to rule 4732-1-06 of the Administrative Code;

(C) Fee for reinstatement of a license — biennial registration fee of seventy-five dollars plus a penalty fee of fifteen dollars;

(D) Fee for retaking the objective part of the school psychology examination — ten dollars;

(E) Fee for retaking the essay part of the school psychology examination — sixty-five dollars;

(F) Fee for retaking the oral examination — thirty dollars.

Effective September 1, 1981

4732-1-04. Entrance Examiner

The individual appointed as the entrance examiner shall preliminarily determine whether an applicant qualifies for admission to the appropriate licensure examination as described in rules 4732-9-01 and 4732-9-02 of the Administrative Code. In performing such function, the entrance examiner shall determine the sufficiency of the applicant's qualifications by evaluating said qualifications in light of the requirements set forth in Chapter 4732. of the Revised Code and the rules adopted thereunder. Applicants who are licensed or certified by another jurisdiction shall meet requirements for admission to the appropriate licensure examination in order to receive favorable consideration of the board (also see rule 4732-7-01 of the Administrative Code). Effective September 1, 1981

4732-1-05. License Certificate and Card

Each person licensed by the Board may and should display his license certificate and current license card at his principal place of business.

Effective April 14, 1975

4732-1-06. Biennial Registration

(A) Each person licensed as a psychologist or as a school psychologist shall register with the board on a biennial basis pursuant to section 4732.14 of the Revised Code. A notice is mailed to the last known

address of each licensee, and such registration requires completion of a form for general, reasonable information and payment of the biennial registration fee by the thirtieth day of September of each even-numbered year which follows the licensure year. The board hereby waives the registration fee of a licensed psychologist or a licensed school psychologist during such time as said licensee is on active duty in national service with the armed forces of the United States, peace corps, VISTA, or other national service as deemed appropriate by the board.

(B) Any license suspended pursuant to section 4732.14 of the Revised Code may be reinstated by the board within five years of such suspension, on request of the suspended licensee. Consideration of reinstatement requires:

(1) Payment of the biennial registration fee in effect at the time of the request for reinstatement plus the penalty fee. No part of these fees is refundable, regardless of the outcome of the request for reinstatement; and

(2) Approval by the board of the suspended licensee's notarized statement describing his psychological activities since the date of suspension of the license; and

(3) Passing an oral examination administered under the direction of the board. Said oral examination may include, but not be limited to:

(a) Chapter 4732. of the Revised Code; and

(b) Rules of the state board of psychology (rules 4732-1-01 to 4732-21-01 of the Administrative Code); and

(c) Ethical principles and standards of the profession of psychology as published by the "American Psychological Association"; and

(d) Content questions in the suspended licensee's declared area(s) of specialty.

Effective September 1, 1981

4732-1-07. Board Hearings on Rules: Methods of Public Notice

(A) Pursuant to Chapter 119. of the Revised Code and prior to the adoption, amendment, or rescission of any rule by the state board of psychology, public notice thereof shall be given at least thirty days prior to the date set for the public hearing, by advertising in one newspaper of general circulation in any five of the following named cities: Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown. Such notice shall include:

(1) A statement of the board's intentions to consider adoption, amendment, or rescission of a rule;

(2) A synopsis of the proposed rule, amendment, or rescission thereof or a general statement of the subject matter to which the proposed rule relates; and

(3) The date, time and place of the public hearing on said proposed action.

(B) Any person may request a copy of the public notice required in paragraph (A) of this rule and a copy of any rules which are under consideration as proposed, amended, and/or rescinded rules by writing to the board address (presently "State Board of Psychology, 65 South Front Street — Room 507, Columbus, Ohio 43215"), no later than two weeks prior to the public hearing date, and enclosing only unused, United States postage stamps (in the denomination used for one ounce of first class mail at the time of the request, or a

smaller denomination) equivalent in value to at least two dollars to minimally cover the cost of copying and mailing. No cash and no check will be acceptable as a substitute.

Effective September 1, 1981

4732-1-08. Personal Information Systems

(A) The board shall appoint one employee to be directly responsible for each personal information system maintained by the state board of psychology. Said employee shall:

(1) Inform other employees who have any responsibility for the operation or maintenance of said system, or for the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and the rules adopted thereunder; and

(2) Inform a person who is asked to supply personal information for a system whether the person is legally required to, or may refuse to, supply the information; and

(3) Assure the collection, maintenance and use of only personal information which is necessary and relevant to the functions the board is required or authorized to perform by statute, ordinance, code, or rule; and

(4) Provide a person, who is asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of the other agencies or organizations that have access to the information in the system; and

(5) Allow the person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and the proper identification of the person, the employee shall:

(a) Inform the person of any personal information in the system of which he is the subject;

(b) Except as provided in divisions (C), (E) (2) and (F) of section 1347.08 of the Revised Code, permit the person, his legal guardian, or an attorney who presents a signed, written authorization made by the person to inspect all personal information in the system of which he is the subject;

(c) Inform the person about the types of uses made of the personal information, including the identity of any user usually granted access to the system;

(d) Allow a person who wishes to exercise a right provided by this paragraph to be accompanied by another individual of his choice;

(e) Provide, upon request, copies of any personal information the person is authorized to inspect. Reasonable charges are made for providing requested copies, with information about such charges being available by writing or calling the board office;

(6) Investigate disputes to the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code.

(B) The board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public, evidence of unauthorized use of information contained in the system. A copy of such reprimand shall be entered in the employee's personnel file in the board office.

(C) The board shall monitor the accuracy, relevance, timeliness, and completeness of the personal information in the system and,

(1) In accordance with procedures, maintain the personal information in the system with the accuracy, relevance, timeliness, and completeness that is necessary to assure fairness in any determination made with respect to a person on the basis of the information, eliminating information that is no longer necessary; and

(2) If a person who is the subject of personal information in a personal information system disputes the accuracy, relevance, timeliness or completeness of the personal information and requests the board to investigate the current status of the information, the board shall:

(a) Within ninety days after receiving the request from the disputant, make a reasonable investigation to determine whether the disputed information is accurate, relevant, timely, and complete; and

(b) Notify the disputant of the results of the investigation and of the action the board plans to take with respect to the disputed information; and

(c) Delete any information that it cannot verify or that it finds to be inaccurate; and

(d) Permit the disputant, if he is not satisfied with the board's determination, to include within the system:

(i) A brief statement of his position on the disputed information, such statement being limited to one hundred words with the board assisting the disputant to write a clear summary of the dispute; or

(ii) A notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete; with the board maintaining a copy of the disputant's statement of the dispute.

(D) The board shall not place personal information into an interconnected and combined system, or use personal information that is placed into such a system by another state or local agency or another organization, unless such system will contribute to the efficiency of the involved agencies in implementing programs that are authorized by law.

(E) The board shall not use personal information placed into an interconnected or combined system by another state or local agency or another organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.

Effective September 1, 1981

4732-3-01. Definitions

(A) The terms "psychologist," "the practice of psychology," "psychological procedures," "school psychologist," "practice of school psychology," "licensed psychologist," "licensed school psychologist," and "certificated school psychologist" shall, for the purposes of these rules, have the same meanings as are set forth for each under section 4732.01 of the Revised Code.

(B) "Consultative relationship" with medical physician (as used in section 4732.20 of the Revised Code).

(1) Nothing in the specific rules below shall be interpreted to imply that the medical doctor is to supervise the licensed psychologist or licensed school psychologist or that the medical doctor shall have referred the patient to the licensed psychologist or licensed school psychologist.

(2) When a licensed psychologist or licensed school psychologist recognizes that the patient has problems of a physical nature or when the patient discloses such physical problems, whether or not they are thought to be caused by or interactive with emotional problems with which the licensed psychologist or licensed school psychologist is dealing, the licensed psychologist or licensed school psychologist shall be aware of the need for concurrent medical care for the problems of a physical nature.

(a) If the patient has a relationship with a medical doctor who is treating the problems of a physical nature, then the licensed psychologist or licensed school psychologist shall consult with the physician as deemed necessary to facilitate information exchange for the patient's welfare.

(b) If the patient has no relationship with a medical doctor for the purpose of treating the problems of a physical nature, the licensed psychologist or licensed school psychologist shall advise his client to seek appropriate medical help and shall facilitate the referral. In the process of referral to the medical doctor and when follow-up contacts are deemed desirable, the licensed psychologist or licensed school psychologist shall facilitate information exchange for the patient's welfare, consonant with section 4732.19 of the Revised Code, relative to privileged communication.

(C) "Board" shall mean the state board of psychology.

(D) "Accreditation" shall be a procedure for recognizing or certifying that an educational institution meets prescribed standards that qualify its graduates for entitlement to become licensed pursuant to section 4732.15 of the Revised Code or to qualify for the licensure examination as provided by section 4732.10 of the Revised Code or to qualify for approval of the board pursuant to division (B) of section 4732.22 of the Revised Code.

(1) For purposes of evaluation of educational degrees and/or course work required pursuant to Chapter 4732. of the Revised Code and the rules adopted thereunder, the educational institution granting such degree or offering such course work must be accredited or recognized by an accrediting association accepted by the "American Association of Collegiate Registrars and Admissions Officers" which includes the following accrediting agencies:

(a) Middle States Association of Colleges and Schools/Commission on Higher Education

(b) New England Association of Schools and Colleges

(c) North Central Association of Colleges and Schools

(d) Northwest Association of Schools and Colleges

(e) Southern Association of Colleges and Schools — Commission on Colleges

(f) Western Association of Schools and Colleges — Accrediting Commission for Senior Colleges

(2) For purposes of evaluation of educational degrees and/or course work received from foreign colleges and universities, the educational institution granting such degree or offering such course work must be included in one of the following:

(a) "International Handbook of Universities and Other Institutions of Higher Education," published by the International Association of Universities, 1 Rue Miollis, 75732 Paris Cedex 15, France [Note:

1981 U.S. address: Walter T. Gruyter, Inc., 200 Saw Mill River Road, Hawthorne NY 10532].

(b) "Commonwealth Universities Yearbook," published by The Association of Commonwealth Universities, 36 Gordon Square, London, England WC1H 0PF [International Publications Service, 114 East 32nd Street, New York NY 10016].

(E) "Applicant" shall mean any person who applies to the board for licensure without examination pursuant to section 4732.15 of the Revised Code or for admission to the licensure examination pursuant to section 4732.10 of the Revised Code or for approval of the board pursuant to division (B) of section 4732.22 of the Revised Code.

(F) "He/she" and "his/her" shall be interpreted to mean or include the pronoun of the other gender where appropriate.

(G) The term "psychological work" shall, for purposes of these rules, include the activities listed in divisions (B) and (C) of section 4732.01 of the Revised Code, and, in addition, the teaching of psychology at the college or university level in an accredited or recognized educational institution and post master's research in a recognized area of psychology. An accredited or recognized educational institution is one which has received accreditation within the meaning of paragraph (D) of rule 4732-3-01 of the Administrative Code.

(H) Patient or client welfare is directly affected in teaching situations including, but not limited to, the following:

(1) Classroom discussions and/or demonstrations which extend to the participation of students in therapy sessions based upon disclosure of the student's own personal experiences and/or personality traits; or

(2) A course or practicum involving assessment of personal experiences and/or personality traits; or

(3) A practicum or supervised experience in counseling or psychotherapy.

(I) Patient or client welfare is directly affected in research situations including, but not limited to, experimental situations involving humans wherein:

(1) There is a likelihood of physical and/or mental discomfort, harm or danger; or

(2) There is need to delay or withhold information that may have damaging consequences to the person; or

(3) There is a likelihood that personal and confidential information about the participant could be acquired by others.

Effective December 30, 1977

4732-5-01. Scope of Psychological Procedures Which Create a Serious Hazard to Mental Health and Require Professional Expertise in Psychology; Exemptions from Licensure Requirements

(A) The scope of rules 4732-5-01 to 4732-5-03 of the Administrative Code concerns solely the implementation of the board's rule-making authority under division (C) of section 4732.23 of the Revised Code. These above-mentioned rules apply to those persons who do not hold a license granted by this board and who are not exempted from the licensure requirements of Chapter 4732. of the Revised Code and who utilize psychological procedures as indicated in rule 4732-5-03 of the Administrative Code for a compensation or other personal gain.

(B) Exemptions from licensure requirements include:

(1) A certificated school psychologist, while practicing school psychology within the scope of his employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of his employment in a program for trainable mentally retarded children established under section 5126.06 of the Revised Code;

(2) A nonresident temporarily employed in this state to render psychological services for not more than thirty days a year who, in the opinion of the board, meets the standards for admission to the psychology examination as described in rule 4732-9-01 of the Administrative Code and who holds whatever license or certificate, if any, is required for such practice in his home state or home country;

(3) A person employed by a licensed psychologist or a licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority;

(4) An unlicensed person holding a master's degree or a doctoral degree in psychology from a program approved by the board, while working under the supervision of a licensed psychologist;

(5) A student in an accredited educational institution, while carrying out activities that are part of his prescribed course of study, provided such activities are supervised by a professional person who is qualified to perform such activities and is licensed as a psychologist or as a school psychologist or is described in paragraph (B) (6), (B) (7), (B) (9), or (B) (11) of this rule. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained;

(6) A duly ordained minister while functioning in his ministerial capacity;

(7) A qualified social worker while functioning in his capacity as a social worker;

(8) A person in the employ of the federal government, including use of an official title, insofar as such activities are a part of the duties in his position;

(9) A person licensed, certified, or registered under a provision of the Revised Code other than in Chapter 4732. of the Revised Code, providing he is practicing those arts and utilizing psychological procedures that are allowed and within the standards and ethics of his profession or within new areas of practice that represent appropriate extensions of his profession, and providing he does not hold himself out to the public by the title of psychologist;

(10) A person in any capacity who offers services of a psychological nature, provided he neither holds himself out to the public by the title of psychologist or school psychologist nor utilizes any psychological procedure this board judges to be a serious hazard to mental health and to require professional expertise in psychology, as listed in rule 4732-5-03 of the Administrative Code;

(11) A person using the term "social psychologist" who has an earned doctoral degree in social psychology or in sociology with a social psychology major, from a sociology or social psychology department of an accredited educational institution, and who has filed with this board the

facts demonstrating his possession of such a degree;

(12) A person who is teaching, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which patient or client welfare is directly affected;

(13) A person who is conducting research in the field of psychology, provided it does not otherwise involve the professional practice of psychology in which patient or client welfare is directly affected.
Effective September 1, 1981

4732-5-02. Definitions Pertaining to Psychological Procedures Which Create a Serious Hazard to Mental Health and Require Professional Expertise in Psychology

(A) "Mental disorder" is a dysfunction of the mind such that, according to the nature and degree of the disorder, a person loses or lacks capacity to adapt his/her own behavior to effective ends of survival, satisfaction and comfort. Such disorders may take many forms and have varying causes of an organic or environmental type. Reasonable descriptions of the kinds and degree of mental disorder can be found in current revisions of accepted nosologies such as the "International Classification of Diseases" (ICD), the "Diagnostic and Statistical Manual of Mental Disorders" (DSM), and the "Psychopathological Disorders in Childhood: Theoretical Considerations and a Proposed Classification," Group for the Advancement of Psychiatry (GAP System).

(B) "Serious hazard to mental health" occurs where an individual is placed in substantial risk of developing a diagnosable "mental disorder" or to be in substantial risk of increasing the severity of an existing diagnosable "mental disorder."
Effective December 30, 1977

4732-5-03. Judgment of the Board Regarding Psychological Procedures Which Create a Serious Hazard to Mental Health and Require Professional Expertise in Psychology

Psychological procedures which are a "serious hazard to mental health" include but are not limited to:

- (A) Sensitivity training
- (B) Confrontation groups
- (C) Hypnotic techniques for psychotherapeutic purposes (diagnosis and treatment)
- (D) Individual intelligence testing
- (E) Psychological diagnosis and personality evaluation
- (F) Individual and group psychological psychotherapy
- (G) Psychological behavior psychotherapy such as, but not limited to, implosive therapy, aversive therapy, and desensitization
- (H) Couples and family psychological psychotherapy
- (I) Psychological psychotherapy for sexual dysfunctions

Effective September 1, 1981

4732-7-01. Licensure for Applicants Licensed or Certified by Another Jurisdiction

The board may issue a license as a psychologist or as a school psychologist to any applicant licensed or certified as such by the licensing department of

another state, territory, or the District of Columbia or to any person holding a diploma issued by the "American Board of Professional Psychology." Such applicant for license shall:

(A) Conform with the applicable requirements of section 4732.10 of the Revised Code and rule 4732-9-01 or 4732-9-02 of the Administrative Code; and

(B) If the application is for a psychologist license, (1) And the applicant is not a diplomate of the "American Board of Professional Psychology," provide evidence of passing the examination required of Ohio psychology examination candidates at the time of the application, with a score at least as high as required of Ohio candidates at the time of the application (information about such examination and score is available by writing or calling the board office); and

(2) Pass an oral examination administered under the direction of the board. Said oral examination, from which the board may upon individual review exempt a diplomate of the "American Board of Professional Psychology," may include, but not be limited to:

(a) Chapter 4732. of the Revised Code;
(b) Rules of the state board of psychology (rules 4732-1-01 to 4732-21-01 of the Administrative Code); and

(c) Ethical principles and standards of the profession of psychology, as published by the "American Psychological Association"; and

(d) Content questions in the applicant's declared area(s) of specialty; or

(C) If the application is for a school psychologist license,

(1) Provide evidence of passing an examination acceptable to the Ohio school psychology examination committee as being equivalent to the examination required of Ohio school psychology examination candidates, with a score at least equivalent to the minimum passing scores required of Ohio candidates (with information about such examination and score being available by writing or calling the board office); and

(2) Pass an oral examination as described in paragraph (B) (2) of this rule.

Effective September 1, 1981

4732-7-02. Licensure Without Examination for Applicants Possessing an Earned Doctoral Degree Who Apply on or Before November 22, 1974

The requirements for licensure without examination for such applicants are set forth under section 4732.15 (B) (1), Ohio Revised Code.

Effective April 14, 1975

4732-7-03. Licensure Without Examination for Applicants Possessing a Master's Degree Who Apply on or Before November 22, 1976

The requirements for licensure without examination for such applicants are set forth under division (B) (2) of section 4732.15 of the Revised Code.

Effective December 30, 1977

4732-7-04. Licensure Without Examination for Applicants Who Apply on or Before March 22, 1973

The requirements for licensure without examination for such applicants are set forth under section 4732.15 (B) (3), Ohio Revised Code.

Effective April 14, 1975

4732-9-01. Requirements for Admission to the Examination for a Psychologist License

The requirements for admission to the examination for a psychologist license, which are generally set forth under division (B) of section 4732.10 of the Revised Code, include that the applicant be at least twenty-one years of age and of good moral character. In addition, he shall have received from an accredited educational institution an earned doctoral degree in psychology or school psychology or a doctoral degree deemed by the board to be the equivalent thereof; and he shall have had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which shall be postdoctoral. With regard to such requirements, the board hereby further prescribes that:

(A) In order for a doctoral degree awarded after September 1, 1982, in a field other than psychology or school psychology from an educational institution holding full accreditation status at the time the degree was awarded to be deemed equivalent to a doctoral degree in psychology from such an educational institution, such degree shall include only graduate course work completed prior to award of the doctorate and, in addition, shall:

- (1) Be a program approved by the education and training board of the "American Psychological Association, Committee on Accreditation"; or
- (2) Comply with the following indicia of equivalence:

(a) The applicant supplies the board with his dissertation title and abstract, the names and professional qualifications of the dissertation committee members, and a written presentation to the board demonstrating that the dissertation is psychological in nature; and

(b) The curriculum shall encompass a minimum of the university's standard of full-time graduate study for three academic years or its equivalent. This curriculum shall involve at least one academic year of full-time enrollment at the university from which the degree is granted. It shall include credit for at least sixty-three quarter hours or forty-two semester hours of formal graduate study relevant to the study of psychology. At least fourteen quarter hours or nine semester hours shall be taken in the psychology department of the educational institution granting the doctoral degree. Acceptable academic work shall include examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the student. The curriculum shall include instruction in paragraphs (A) (2) (b) (i) to (A) (2) (b) (iv) below, and the applicant's transcript(s) shall include a minimum of five graduate quarter hours or three graduate semester hours in four of the five substantive content areas named in paragraphs (A) (2) (b) (v) to (A) (2) (b) (ix) below:

- (i) Scientific and professional ethics and standards
- (ii) History and systems
- (iii) Research design and methodology
- (iv) Statistics and psychometrics
- (v) Biological bases of behavior, e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology
- (vi) Cognitive-affective bases of behavior, e.g., learning, thinking, motivation, emotion
- (vii) Social bases of behavior, e.g., social psychology, group process, organizational and

systems theory

(viii) Individual differences, e.g., personality theory, human development, abnormal psychology

(ix) Industrial/organizational behavior, e.g., personnel training/selection, labor relations, consumer behavior, work motivation; and

(c) If the major emphasis of the doctoral program is in an applied area such as clinical psychology, counseling psychology, industrial/organizational psychology, or social psychology:

(i) The training shall include relevant experiences in the application of skills related to the specialties in areas such as psychological assessment (group and individual) and interventional procedures which may include, but not be limited to, counseling and psychotherapy, behavior modification, and consultation. Appropriate training experiences may be considered toward meeting requirements of paragraph (G) of this rule; and

(ii) The psychological services offered in these training experiences shall be consistent with guidelines such as those proposed in the "Standards for Providers of Psychological Services" as adopted and published by the "American Psychological Association"; and

(d) Course work taken in a department other than the psychology department shall be evaluated by the board examiner to determine whether it is psychological in nature, using the following criteria in such evaluation:

(i) The instructor of said course was competent in psychology. Such competence shall be evidenced by:

(a) A written statement, which verifies the instructor's competence in psychology, from the university or college offering said course; or

(b) The fact that the instructor was a licensed psychologist or licensed school psychologist, or possessed a diploma from the "American Board of Professional Psychology," or held a doctoral degree from the psychology department or in a school psychology program of an accredited educational institution; and

(ii) The content of the course was psychological in nature as evidenced by a written statement, which verifies the psychological content of said course, from the university or college offering said course; or

(3) Be a program approved by this board as a specific degree program that is recognized as meeting academic requirements for admission to the examination for a psychologist license. Information about such programs is available by writing or calling the board office.

(B) In order for a doctoral degree awarded on or before September 1, 1982, in a field other than psychology or school psychology from an educational institution holding full accreditation status at the time the degree was awarded to be deemed equivalent to a doctoral degree in psychology from such an educational institution, such degree shall include only graduate course work completed prior to award of the doctorate and, in addition, shall:

(1) Be a program approved by the education and training board of the "American Psychological Association, Committee on Accreditation"; or

(2) Comply with the following indicia of equivalence:

(a) The applicant supplies the board with his dissertation title and abstract, the names and profes

sional qualifications of the dissertation committee members, and a written presentation to the board demonstrating that the dissertation is psychological in nature; and

(b) The applicant's official transcript(s) of graduate credits demonstrates that the applicant achieved, in addition to credit awarded for any internship or thesis or dissertation, ninety quarter hours or sixty semester hours at the graduate level; sixty-three of said quarter hours or forty-two of said semester hours shall consist of courses designated by the educational institution as psychology courses or courses deemed to be equivalent thereto by the board. A course shall be deemed equivalent to a psychology course where the applicant demonstrates:

(I) That the instructor of said course was competent in psychology. Such competence shall be evidenced by:

(a) A written statement, which verifies the instructor's competence in psychology, from the university or college offering said course; or

(b) The fact that the instructor was a licensed psychologist or licensed school psychologist, or possessed a diploma from the "American Board of Professional Psychology," or held a doctoral degree from the psychology department or in a school psychology program of an accredited educational institution; and

(II) That the content of the course was psychological in nature as evidenced by a written statement, which verifies the psychological content of said course, from the university or college offering said course; or

(3) Be a program approved by this board as a specific degree program that is recognized as meeting academic requirements for admission to the examination for a psychologist license. Information about such programs is available by writing or calling the board office.

(C) A doctoral degree in psychology or any other field from an educational institution holding "candidate for accreditation" status at the time the degree was awarded is evaluated for equivalence to a doctoral degree in psychology from an educational institution holding full accreditation status. In the case of a degree from an educational institution in the United States, any consideration under this paragraph shall be limited to a doctoral degree awarded within six years of the date on which the educational institution achieved such "candidate for accreditation" status. In order to be deemed so equivalent, said doctoral degree shall include only graduate course work completed prior to award of the doctorate and, in addition, shall comply with:

(1) The same indicia of equivalence as described in paragraph (A) (2) of this rule if the doctoral degree was awarded after September 1, 1982; or

(2) The same indicia of equivalence as described in paragraph (B) (2) of this rule if the doctoral degree was awarded on or before September 1, 1982.

(D) In order for a doctoral degree awarded after September 1, 1982, in a field other than psychology or school psychology from an educational institution holding full accreditation status at the time the degree was awarded to be deemed equivalent to a doctoral degree in school psychology from such an educational institution, such degree shall include only graduate course work completed prior to award of the doctorate and, in addition, shall:

(1) Be a program approved as a school psychology program by the education and training board of the "American Psychological Association, Committee on Accreditation," or be a school psychology program approved by the "National Council for Accreditation of Teacher Education"; or

(2) Comply with the following indicia of equivalence:

(a) The applicant supplies the board with his dissertation title and abstract, the names and professional qualifications of the dissertation committee members, and a written presentation to the board demonstrating that the dissertation is school psychological in nature; and

(b) The applicant's official transcript(s) of graduate course work shall demonstrate that the applicant achieved, in addition to credit awarded for any internship or thesis or dissertation, sixty-three quarter hours or forty-two semester hours of formal graduate study relevant to the study of school psychology; and

(c) Said graduate course work relevant to the study of school psychology shall include at least three graduate quarter hours or two graduate semester hours in ten of the following eleven areas:

(i) Psychology of human development (includes cognitive development and skills)

(ii) Psychology of learning

(iii) Psychology of personality

(iv) Standardized group measurement and evaluation

(v) Statistics and research design

(vi) The psychoeducational evaluation of children using individual testing techniques

(vii) The educational implications and remedial techniques based on psychoeducational evaluation

(viii) Counseling and interviewing techniques

(ix) Family functioning and therapy

(x) Biological bases of behavior — neurological

(xi) Ethics of school psychology and laws related to the practice of school psychology; and

(d) Said course work relevant to the study of school psychology shall include at least three graduate quarter hours or two graduate semester hours in three of the following five areas:

(I) The role and function of the school psychologist

(II) Curriculum in the schools

(III) The purposes and organization of schools

(IV) Educational administration

(v) Remedial instruction in educational disability; and

(e) Course work shall be evaluated by the board examiner to determine whether it is school psychological in nature, using the following criteria in such evaluation:

(I) The instructor of said course was competent in psychology or school psychology. Such competence shall be evidenced by:

(a) A written statement, which verifies the instructor's competence in psychology or school psychology, from the university or college offering said course; or

(b) The fact that the instructor was a licensed psychologist or licensed school psychologist, or possessed a diploma from the "American Board of Professional Psychology," or held a doctoral degree from the psychology department or in a school psychology program of an accredited educational institution; and

(II) The content of the course was school psycho

logical in nature as evidenced by a written statement, which verifies the school psychological content of said course, from the university or college offering said course.

(f) The training shall include one academic year of internship training experiences, which total at least nine months' work with a minimum of thirty-five hours per week, or an equivalent amount of experience in part-time work.

(i) These supervised experiences shall include relevant training in the application of skills related to the specialty of school psychology in areas such as psychological assessment (group and individual) and interventional procedures which may include, but not be limited to, counseling and psychotherapy, behavior modification, and consultation; and

(ii) The psychological services offered in these training experiences shall be consistent with guidelines such as those proposed in the "Standards for Providers of Psychological Services" as adopted and published by the "American Psychological Association"; and

(iii) The above internship may be considered toward meeting requirements of paragraph (G) of this rule.

(E) In order for a doctoral degree awarded on or before September 1, 1982, in a field other than psychology or school psychology from an educational institution holding full accreditation status at the time the degree was awarded to be deemed equivalent to a doctoral degree in school psychology from such an educational institution, such degree shall include only graduate course work completed prior to award of the doctorate and, in addition, shall:

(1) Be a program approved as a school psychology program by the education and training board of the "American Psychological Association, Committee on Accreditation," or be a school psychology program approved by the "National Council for Accreditation of Teacher Education"; or

(2) Comply with the following indicia of equivalence:

(a) The applicant supplies the board with his dissertation title and abstract, the names and professional qualifications of the dissertation committee members, and a written presentation to the board demonstrating that the dissertation is school psychological in nature; and

(b) The applicant's official transcript(s) of graduate course work shall demonstrate that the applicant achieved, in addition to credit awarded for any internship or thesis or dissertation, ninety quarter hours or sixty semester hours at the graduate level; sixty-three of said quarter hours or forty-two of said semester hours shall consist of courses designated by the educational institution as school psychology courses or courses deemed to be equivalent by the board, and those courses shall include courses in the areas as required in paragraphs (B) (1) and (B) (2) of rule 4732-9-02 of the Administrative Code. A course shall be deemed equivalent to a school psychology course where the applicant demonstrates that it meets the requirements described in paragraph (D) (2) (e) of this rule.

(F) A doctoral degree in school psychology or any other field from an educational institution holding "candidate for accreditation" status at the time the degree was awarded is evaluated for equivalence to a doctoral degree in school psychology from an educational institution holding full accreditation

status. In the case of a degree from an educational institution in the United States, any consideration under this paragraph shall be limited to a doctoral degree awarded within six years of the date on which the educational institution achieved such "candidate for accreditation" status. In order to be deemed so equivalent, said doctoral degree shall include only graduate course work completed prior to award of the doctorate and, in addition, shall comply with:

(1) The same indicia of equivalence as described in paragraph (D) (2) of this rule if the doctoral degree was awarded after September 1, 1982; or

(2) The same indicia of equivalence as described in paragraph (E) (2) of this rule if the doctoral degree was awarded on or before September 1, 1982.

(G) The two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which shall be subsequent to attainment of the doctoral degree required by this rule, shall comply with all of the following requirements:

(1) Said professional experience shall come under the supervision of a supervisor who is either:

(a) A psychologist or a school psychologist licensed by this board; or

(b) A psychologist or a school psychologist licensed by another state, territory, the District of Columbia, or a foreign country; or

(c) A person eligible for licensure as a psychologist or a school psychologist only when the supervisee is:

(i) Working in a state with no licensing requirements; or

(ii) An employee of the federal government and, therefore, exempt from licensing requirements; or

(iii) Teaching psychology and/or conducting research in psychology and said teaching and/or research does not directly affect client or patient welfare; or

(d) A psychologist or a school psychologist who might have been licensed by the board, the supervision having occurred prior to the enactment of statutes governing psychology.

(2) The supervision of such professional experience shall meet all the supervision requirements described in rules 4732-13-01, 4732-13-02, and 4732-13-03 of the Administrative Code.

(3) The supervised professional experience shall be such that it occurs in the teaching (college or university level, accredited educational institution), research (post master's), or applied branch of one of the recognized areas of psychology.

(H) Any professional experience engaged in by an applicant within this state on and after December 1, 1972, during which time he either offered or rendered services as a psychologist or otherwise engaged in the practice of psychology for a compensation or other personal gain shall not, unless it comes under one of the exemptions from licensure described in paragraph (B) of rule 4732-5-01 of the Administrative Code, be counted toward fulfillment of the professional experience requirement described in paragraph (G) of this rule.

Effective September 1, 1981

4732-9-02. Requirements for Admission to the Examination for a School Psychologist License

The requirements for admission to the examination for a school psychologist license, which are

generally set forth under division (C) of section 4732.10 of the Revised Code, include that the applicant be at least twenty-one years of age and of good moral character. In addition, he shall have received from an accredited educational institution at least a master's degree in school psychology or a degree considered equivalent by the board, including at least sixty graduate quarter hours or forty graduate semester hours in course work relevant to the study of school psychology; and he shall have had at least four years of school psychology experience, with a school psychology internship being considered for credit toward one year of said experience. With regard to such requirements, the board hereby further prescribes:

(A) A degree deemed equivalent to a master's degree in school psychology shall:

(1) Be received from:

(a) An educational institution holding full accreditation status at the time the degree was awarded; or
(b) An educational institution holding "candidate for accreditation" status at the time the degree was awarded but for no more than six years immediately preceding the degree award date; and
(2) Consist of at least sixty quarter hours or forty semester hours of courses at the graduate level. Said quarter or semester hours shall consist of course work relevant to the study of school psychology.

(B) Course work, totaling at least sixty quarter hours or forty semester hours, shall be deemed relevant to the study of school psychology where the course work is distributed as indicated below:
(1) Course work in each of the following areas:

(a) Psychology of human development
(b) Psychology of learning
(c) Psychology of personality
(d) Standardized group measurement and evaluation

(e) Statistics and research design
(f) The psychoeducational evaluation of children using individual testing techniques
(g) The educational implications and remedial techniques based on psychoeducational evaluation
(h) Counseling and interviewing techniques; and
(2) Course work in at least three of the following areas:

(a) The role and function of the school psychologist
(b) Curriculum in the schools
(c) The purposes and organization of schools
(d) Educational administration
(e) Remedial instruction in educational disability
(C) The four years of school psychology experience shall include one year of school psychology internship or other training experience and, in addition, shall comply with all of the following requirements:

(1) Said experience shall call upon the applicant to engage in the following activities:

(a) Evaluation, diagnosis, or test interpretation limited to assessment of intellectual ability, learning patterns, achievement, motivation, or personality factors directly related to learning problems in an educational setting; and/or

(b) Counseling services for children or adults for amelioration or prevention of educationally related learning problems; and/or

(c) Educational or vocational consultation or direct educational services, which do not include industrial consultation or counseling services to

clients undergoing vocational rehabilitation.

(2) At least one-half (two year) of said experience shall occur while practicing school psychology within the scope of employment by a board of education or by a private school meeting standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code.

(3) Any training and/or experience other than as described in paragraph (C) (2) of this rule shall:

(a) Come under the supervision of a supervisor who is either:

(i) A psychologist or a school psychologist licensed by this board; or

(ii) A psychologist or a school psychologist licensed by another state, territory, the District of Columbia, or a foreign country; or

(iii) A person eligible for licensure as a psychologist or a school psychologist only when the supervisor is:

(a) Working in a state with no licensing requirements; or

(b) An employee of the federal government and, therefore, exempt from licensing requirements; or

(iv) A psychologist or a school psychologist who might have been licensed by the board, the supervision having occurred prior to the enactment of statutes governing psychology.

(b) Be such that the supervision of said school psychology training and/or experience shall meet all the supervision requirements described in rules 4732-13-01, 4732-13-02, and 4732-13-03 of the Administrative Code.

(D) Any psychological work engaged in by an applicant within this state on and after December 1, 1972, during which time he either offered or rendered services as a school psychologist or otherwise engaged in the practice of school psychology for a compensation or other personal gain shall not, unless it comes under one of the exemptions from licensure described in paragraph (B) of rule 4732-5-01 of the Administrative Code, be counted toward fulfillment of the training and/or experience requirement described in paragraph (C) of this rule.

Effective September 1, 1981

4732-9-03. Computation and Attainment of Experience

(A) When the application pertains to licensure as a psychologist, each year of supervised professional experience in psychological work of a type satisfactory to the board, as described in paragraph (G) of rule 4732-9-01 of the Administrative Code, shall include at least eighteen hundred hours of work within one calendar year or at least eighteen hundred hours of part-time work which shall be completed within a period not to exceed three calendar years. In no event shall the applicant receive credit for more than one year of such supervised professional experience for activities performed over any twelve-month period, with forty hours per week being the maximum credited.

(B) When the application pertains to licensure as a school psychologist, each of the four years of required experience, as described in paragraph (C) of rule 4732-9-02 of the Administrative Code, shall include at least nine months' full-time work at thirty-five hours per week or the equivalence of same in part-time work which shall be completed within a

period not to exceed three calendar years. The twenty-seven months of full-time experience provided for in division (C) (7) of section 4732.10 of the Revised Code shall be distributed over a period of at least three school years of nine months each. In no event shall the applicant receive credit for more than one year of training or experience for activities performed over any twelve-month period.

(C) The professional training or experience required of the applicant as a prerequisite to admission to the examination for a psychologist license or to the examination for a school psychologist license shall be completed no later than the last day of the month of the appropriate examination. The term "last day of the month of the appropriate examination" shall include either a written examination or an oral examination or both.

Effective September 1, 1981

4732-11-01. Licensure Examination Dates

Pursuant to section 4732.11 of the Revised Code examinations will be held twice annually, in months established by the board. Announcement of specific dates will be furnished not less than thirty days in advance.

Effective December 30, 1977

4732-11-02. Notification to Applicants Eligible for Examination

Upon determination by the examiner that an individual applicant meets the requirements for admission to the appropriate examination, the board shall notify the applicant regarding his eligibility for admission to the examination. An examination number shall be assigned to each candidate admitted to an examination. Said number will be the candidate's permanent identification number which he should retain even after the examination. Any reference to the examination by the candidate should include this number.

Effective September 1, 1981

4732-11-03. School Psychology and Psychology Examination Committees

(A) Pursuant to section 4732.11 of the Revised Code the board hereby establishes a school psychology examination committee which shall consist of five members appointed by the board; in making such appointments the board may consider recommendations from the "Ohio School Psychologists Association" and the "Interuniversity Council." The initial committee will be appointed for terms of one to five years, the terms chosen by lot. Thereafter, replacements will serve five-year terms.

(B) The board hereby establishes a psychology examination committee, which may be comprised of members of the board and/or licensed psychologists appointed by the board.

Effective December 30, 1977

4732-11-04. Subjects for the Examination for a Psychologist License

Pursuant to section 4732.11 of the Revised Code the board hereby prescribes that the subject areas for the examination for a psychologist license may include, but not be limited to, the following theoretical and applied fields:

(A) Background knowledge: physiological and comparative psychology, learning, history, theory and

systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology, psychopharmacology;

(B) Methodology: research design and interpretation, statistics, test construction and interpretation, scaling;

(C) Clinical psychology: test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations;

(D) Behavior modification: learning, applications;

(E) Other specialties: management consulting, industrial psychology and human engineering, social psychology, T-groups, counseling and guidance, communications, systems analysis;

(F) Professional conduct, affairs, and ethics: interdisciplinary relations, professional conduct, knowledge of professional affairs;

(G) School and educational psychology;

(H) Other recognized topics considered appropriate by the board.

Effective September 1, 1981

4732-11-05. Subjects for the Examination for a School Psychologist License

Pursuant to section 4732.11 of the Revised Code, and upon the recommendations of the school psychology examination committee, the board hereby prescribes the following theoretical and applied fields to serve as the subject areas for the essay and objective sections of the examination for a school psychologist license:

(A) Child development — concepts and research

(B) Concepts of counseling and behavior change

(C) Ethics and law

(D) Exceptional children and services

(E) Referral sources (agencies)

(F) Psychological testing (assessment)

(G) Remedial strategies (concepts) and technologies

(H) School curriculum and organization

(I) Measurement and statistics

Effective September 1, 1981

4732-11-06. Passing Scores for Licensing Examinations

Pursuant to section 4732.12 of the Revised Code the board will review all examination results and thereafter determine whether the applicant should be graded with a passing score.

(A) Announcement of specific passing score(s) established by the board for the examination for a psychologist license will be furnished not less than thirty days in advance.

(B) Upon recommendation of the school psychology examination committee, in order to achieve a passing score on the examination for a school psychologist license, an applicant shall:

(1) Achieve a percentage score of at least sixty-two on the objective portion of the examination; and

(2) Achieve a percentage score of at least seventy-five on the essay portion of the examination.

Effective December 30, 1977

4732-11-07. Applicants Who Fail the Examination

(A) Any applicant who fails the examination and wishes thereafter to take a subsequent examination shall be tested in all the subject areas covered by said subsequent examination. However, if an applicant passes any one portion of the examination, that portion need not be taken again.

(B) Applicants failing the examination may be readmitted to a subsequent examination after no less than six months, as provided for in section 4732.11 of the Revised Code.
Effective December 30, 1977

4732-11-08. Giving or Receiving Aid on the Examination

Any applicant detected in attempting to give or giving or obtaining aid during the examination shall be dismissed from the examination with the consequence of an automatic failure on the examination.
Effective April 14, 1975

4732-13-01. Scope of Supervision Rules

(A) The scope of these supervision rules concerns:
(1) Unlicensed persons who are working toward licensure as psychologists or school psychologists according to rules 4732-9-01 and 4732-9-02 of the Administrative Code; and/or

(2) Unlicensed persons who hold a master's degree or a doctoral degree in psychology from a program approved by the board and who are supervised by a licensed psychologist, as described in paragraph (B) (4) of rule 4732-5-01 of the Administrative Code; and/or

(3) Licensed psychologists or licensed school psychologists who are functioning as supervisors or supervisees.

(B) These supervision rules shall not affect any other supervision requirement(s) imposed by these rules with respect to individuals who apply to the board to become licensed as psychologists or school psychologists.

Effective September 1, 1981

4732-13-02. Purposes of Supervision

Supervision by a licensed psychologist or a licensed school psychologist of an unlicensed or licensed person as described in paragraph (A) of rule 4732-13-01 of the Administrative Code shall have the following purposes:

(A) To provide, in the case of applied experience, classroom demonstrations, or research, for the protection of patient or client welfare;

(B) To provide, in the case of research experience, for the maintenance of an acceptable level of scientific method and accuracy;

(C) To provide that the unlicensed person functions within the limits of his competence;

(D) To provide that, with regard to the unlicensed person who intends to apply to the board for licensure, training occurs in the variety of activities relevant to his position and to his academic background.

(E) To provide that, with regard to the licensed person who seeks supervised experience, training occurs which will:

(1) Expand competence in a recognized subspecialty for which the licensed person has inadequate training but does have the appropriate academic background; or

(2) Satisfy retraining requirements according to standards of the "American Psychological Association"; or

(3) Meet requirements for licensure purposes as described in paragraph (G) of rule 4732-9-01 of the Administrative Code.

Effective September 1, 1981

4732-13-03. Requirements Pertaining to Supervision

The board hereby prescribes the following requirements with respect to supervision of unlicensed persons as described in paragraph (A) of rule 4732-13-01 of the Administrative Code:

(A) A person performing psychological work in Ohio must be licensed by the state board of psychology or come under one of the exemptions from licensing requirements in Chapter 4732. of the Revised Code. Supervision by a licensed psychologist or licensed school psychologist provides such an exemption, with examples found in paragraph (B) (3), (B) (4) or (B) (5) of rule 4732-5-01 of the Administrative Code.

(B) No person who is supervised by a licensed psychologist or a licensed school psychologist shall enter into any business relationship for profit with said supervising psychologist or school psychologist, except as an employee of said supervising psychologist or school psychologist. Nothing in this paragraph shall restrict the right of any person to engage in any business relationship outside the practice of psychology.

(C) There shall be no direct family relationship between the supervisor and supervisee if the supervisee's experience is to be accepted toward fulfillment of the experience requirements for licensure in psychology or school psychology.

(D) An unlicensed person shall practice psychology only under the direct supervision of a licensed psychologist, a licensed school psychologist, a postdoctoral trainee who is working toward licensure as a psychologist and who is being trained in supervision under an arrangement approved by the board pursuant to paragraph (H) (2) (c) of this rule, or a post master's trainee who is working toward licensure as a school psychologist and who is being trained in supervision under an arrangement approved by the board pursuant to paragraph (H) (3) (c) of this rule.

(E) Supervision shall cover all aspects of the supervisee's psychology/school psychology work whether the supervisee is training to become a licensed psychologist or licensed school psychologist or is employed to assist licensed psychologists or licensed school psychologists unless other specific, written arrangements are agreed upon by the supervisor and the supervisee.

(F) Where there is more than one supervising psychologist or school psychologist, a written supervision plan shall be agreed upon and signed by each supervisor and the supervisee. That supervision agreement shall be filed by the supervisor as part of the records of supervision. A copy of such plan shall also be sent to the board office with the supervisee registration form.

(G) The violation of any rules of professional conduct in rule 4732-17-01 of the Administrative Code by a supervisee may result in an investigation of the adequacy of his supervision. Upon proof of a violation of any of said rules, the board may refuse to issue a license to any applicant or may reprimand, suspend, or revoke the license of any psychologist or school psychologist pursuant to rule 4732-17-03 of the Administrative Code.

(H) Supervision definitions.

(1) Administrative supervision pertains only to the table of organization in an office, corporation, or agency. The administrative supervisor may or may

not be qualified to provide professional supervision as described in paragraph (H) (2) or (H) (3) of this rule.

(2) Types of professional supervision in psychology:

(a) Work supervision covers psychology assistants or psychology aides who perform specialized technical services in an agency setting or as employees of a licensed psychologist. Their supervision can be structured in accordance with their training and experience, but supervision must remain direct and close if academic training is lacking.

(b) Training supervision is directed toward graduate students, postdoctoral trainees or other individuals who are gaining experience for purposes of licensure or development of another competency area. As a rule, such supervision requires more time and more involvement on the part of the supervisor in order to help supervisees improve their skills and/or learn new skills while providing service to clients. This supervisor has responsibility not only for the welfare of the clients but also for the professional growth of the supervisees.

(c) "Umbrella" supervision results when a supervised senior trainee or psychology assistant supervises lower level trainees or other psychology assistants. Such supervision is prohibited except when a specific arrangement is approved by the state board of psychology to allow a postdoctoral trainee, who is working toward licensure, to be trained in supervision for a period not to exceed one year. The supervising licensed psychologist or licensed school psychologist shall assume full responsibility for the work of those people supervised by his trainee as well as for the work of the senior trainee.

(3) Types of professional supervision in school psychology which apply to those persons working toward licensure in school psychology and who are not certificated school psychologists working in settings which exempt them from licensure requirements as described in paragraph (B) (1) of rule 4732-5-01 of the Administrative Code.

(a) Work supervision covers school psychology assistants or school psychology aides who perform specialized technical services in an agency setting or as employees of a licensed psychologist or licensed school psychologist. Their supervision can be structured in accordance with their training and experience, but supervision must remain direct and close if academic training is lacking.

(b) Training supervision is directed toward graduate students, post master's trainees or other individuals who are gaining experience for purposes of licensure or development of another competency area. As a rule, such supervision requires more time and more involvement on the part of the supervisor in order to help supervisees improve their skills and/or learn new skills while providing service to clients. This supervisor has responsibility not only for the welfare of the clients but also for the professional growth of the supervisees.

(c) "Umbrella" supervision results when an unlicensed school psychology assistant supervises another unlicensed school psychology assistant. Such supervision is prohibited except when a specific arrangement is approved by the state board of psychology to allow a school psychology assistant who is working toward licensure to be trained in supervision during the one year immediately pre-

ceding eligibility for the school psychology examination. The supervising licensed psychologist or licensed school psychologist shall assume full responsibility for the work of those people supervised by his assistant as well as for the work of the senior assistant.

(4) Direct and close supervision includes, but is not limited to, the supervisor's participation in the diagnosis, development of the intervention plan, and continued personal involvement in the implementation of said intervention plan.

(5) "Psychology aide" means a person with a bachelor's degree in psychology or two or more years of college course work, such as a mental health technology degree.

(6) "Psychology assistant" means a person with a master's degree in psychology who may or may not be working toward licensure in psychology. He may perform the full range of psychological assessments and the full range of psychological interventions. Supervision is initially direct and close but may diminish if the supervisee has relevant academic background and demonstrates competence in performing assigned tasks.

(7) "Psychology trainee" means a person who is enrolled in a doctoral program in psychology and is gaining predoctoral experience in activities and under supervision as described in paragraph (H) (6) of this rule.

(8) "Psychology postdoctoral trainee" means a person who is completing postdoctoral experience in psychology, in activities and under supervision as described in paragraph (H) (6) of this rule. Such supervision may include training in supervision of other unlicensed persons who are less experienced in psychology, if that supervisory arrangement is approved by the board pursuant to paragraph (H) (2) (c) of this rule.

(I) Supervisee responsibilities pertaining to professional supervision.

(1) A supervisee shall not function in his own private practice or use the title psychologist or school psychologist or describe his services in terms that imply he is an expert in any field of psychology or school psychology.

(2) An appropriate title such as found in rule 4732-15-01 of the Administrative Code or in paragraph (H) of this rule shall be used. Each supervisee shall be categorized under the types of supervision described in paragraph (H) of this rule.

(3) No supervisee shall collect fees in his own name. All billing shall be done by the employer, the employing agency, or by the licensed supervisor.

(4) The psychological activities of the supervisee shall be performed in the office of the supervisor or at some other legitimate site of the training such as a clinic or another office where the supervisor actively consults and/or makes a scheduled visit. Said supervised activities shall be performed pursuant to the licensed supervisor's order, control, and full professional responsibility.

(5) The supervisee is equally responsible with the supervisor for seeing that the supervisor registers supervision with the board pursuant to paragraph (B) (4) of rule 4732-5-01 of the Administrative Code.

(6) The supervisee shall not announce the establishment of a practice, nor include his name on any letterhead, in the telephone directory under the title "psychologists," or on a door or sign at the entrance to the employer's office, or any other location.

- (7) The supervisee shall not pay a fee, nor make any other form of remuneration, to a supervisor. The supervisee shall be a student of the supervisor or an employee of the supervisor or some other legitimate employer such as a clinic, a hospital, or an independent private or public enterprise.
- (8) Supervisee evaluative reports dealing with client welfare shall be co-signed by the supervisor.
- (9) The supervisee, as a student/employee of the supervisor/employer, shall not solicit nor generate his own caseload; rather, assignments are made from the caseload of the supervisor/employer.
- (J) Supervisor responsibilities pertaining to professional supervision.
- (1) No licensed psychologist or licensed school psychologist shall supervise more than four unlicensed persons concurrently without the written, express permission of the state board of psychology.
- (2) The supervising psychologist, who must be competent in the area(s) of functioning of the supervisee, shall have full responsibility for the welfare of the client, diagnosis, intervention, and outcome of the intervention.
- (3) The client shall always be informed, to the limits of his capacity to understand, of the professional status of the service provider and of the client's right to meet with the supervisor upon request. The client shall also be advised that the supervision of the person providing services may involve the review of content of intervention sessions with a supervisor.
- (4) Direct and close supervision is required for supervisees who do not have the completed academic course work which prepares them to perform the specific psychological activities assigned by the supervisor. Such supervision is also required for any "psychology aide," who may perform some psychological testing procedures and interventions.
- (5) Each supervisee shall be categorized under the types of supervision described in paragraph (H) of this rule.
- (6) The supervisor's records of supervision shall be maintained separately from client records and shall include any supervision plan/agreement pursuant to paragraph (F) of this rule and notes about and dates of supervision, with no reference to names of clients assigned to the supervisee. The state board of psychology may request to review such supervisor's records.
- (7) The supervisor shall have knowledge of the client either through direct client contact or other appropriate means such as the use of tape recordings, videotapes, transcripts or similar data generated by the client. Such data shall be used by the supervisor to corroborate with and/or confirm the supervisee's interpretation of diagnosis or progress in the intervention.
- (8) The supervisor in any applied field of psychology, such as clinical, counseling, industrial, school, or social, shall have full responsibility for client welfare except where a team of mental health professionals, such as a psychologist, a physician, and a social worker, is responsible for the intervention. In all cases the supervising psychologist shall have full control and responsibility for the psychological training and professional behavior of the supervisee.
- (9) No supervisor shall be employed by a supervisee to provide supervision of psychological work.

Neither shall a licensed psychologist or licensed school psychologist provide supervision of psychological work to an unlicensed person who is his administrative supervisor and has control of that licensed psychologist or licensed school psychologist.

(10) The supervisor shall be competent in the area(s) of functioning of the supervisee. Competence can be demonstrated with appropriate academic training as well as experience in the area(s) to be supervised.

(11) If a supervisee, either licensed or unlicensed, wants to achieve competence in a recognized area of psychology such as, but not limited to, clinical, counseling, industrial, school, or social, the supervisor shall not accept that person for training experience until academic or professional training in the specific psychological activities assigned has been completed or is in the process of being completed. The supervisor shall be responsible for determining whether the supervisee has the appropriate training for the supervised activities. When a supervisee has or is receiving appropriate training in a particular field, the supervisor may assist the supervisee during the supervisory experience in achieving additional skills that are related to that specialty.

(12) A licensed psychologist may supervise allied mental health professionals only in those psychological activities for which the licensed psychologist is fully trained and competent. Under such supervisory relationship the licensed psychologist shall have full direction, control, and responsibility for client welfare. All other requirements of supervision apply to the supervisory relationship.

(13) The supervisor shall not exploit the supervisee for financial gain or with excessive work demands. The supervisor shall also seek to avoid exploitation of a supervisee by an agency with which the supervisor and the supervisee are affiliated.

(K) Registration of supervision.

(1) A licensed psychologist is required to register with the board any unlicensed person who is working under his psychology supervision and who holds a master's degree or a doctoral degree in psychology, according to paragraph (B) (4) of rule 4732-5-01 of the Administrative Code, regardless of whether or not the person is working toward licensure.

(2) Registration with the board office is advised for the supervision of any person working toward licensure in psychology or school psychology, except an intern or certificated school psychologist working in a setting as described in paragraph (B) (1) of rule 4732-5-01 of the Administrative Code and who is working toward admission to the examination for a school psychologist license.

Effective September 1, 1981

4732-15-01. Titles to be Used by Unlicensed Persons

(A) A person who does not hold a current valid license as a psychologist granted by this board shall not hold himself out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," "psychology," or any other terms that imply he is trained, experienced, or an expert in any field of psychology, when he does so for a compensation or other personal gain; provided, however, that a person employed by a licensed psychologist shall,

while carrying out specific tasks under the licensee's supervision and as an extension of the licensee's legal and ethical authority, ascribe to himself such titles as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies his supervised or training status, with specific titles listed in paragraph (H) of rule 4732-13-03 of the Administrative Code.

(B) A person who does not hold a current valid license as a school psychologist granted by this board shall not hold himself out to the public by any title or description of services incorporating the words "school psychology," "school psychological," "school psychologist," "school psychology," or any other terms that imply he is trained, experienced, or an expert in any field of school psychology, when he does so for a compensation or other personal gain; provided, however, that a person employed by a licensed psychologist or school psychologist shall, while carrying out specific tasks under the licensee's supervision and as an extension of the licensee's legal and ethical authority, ascribe to himself such titles as "school psychology trainee," "school psychology assistant," "school psychology intern," or other appropriate term that clearly implies his supervised or training status.

(C) A person not licensed as either a psychologist or a school psychologist shall not ascribe to himself the title of "psychology associate" or "school psychology associate."

Effective September 1, 1981

4732-17-01. General Rules for Professional Conduct Pursuant to Division (G) of Section 4732.17 of the Revised Code

(A) Negligence.

(1) Misrepresentation. A psychologist or school psychologist shall not misrepresent his own professional qualifications, affiliations, and purposes, nor those of the institutions and organizations with which he is associated. The following is a list of misrepresentations; however, said list is not all-inclusive:

(a) A psychologist or school psychologist shall not claim either directly or by implication professional qualifications that differ from his actual qualifications, including use of a degree or title which is not relevant to his psychological training or which is issued by an educational institution not meeting accreditation standards. He shall not misrepresent his affiliation with any institution, organization, or individual, nor lead others to assume he has affiliations that he does not have. A psychologist or school psychologist is responsible for correcting a client or public media who misrepresent his professional qualifications or affiliations, if he has knowledge of this misrepresentation.

(b) A psychologist or school psychologist shall not misrepresent an institution or organization with which he is affiliated by ascribing to it characteristics that it does not have.

(c) A psychologist or school psychologist shall not associate himself with or permit his name to be used in connection with any services or products in such a way as to misrepresent them, the degree of his responsibility for them, or the nature of his affiliation.

(2) Welfare of the client.

(a) When there is a conflict of interest between the client and a psychologist's or school psychologist's

employing institution, the psychologist or school psychologist shall clarify the nature and direction of his loyalties and responsibilities and keep all parties concerned informed of his commitments.

(b) A psychologist or school psychologist shall fully inform clients as to the purpose and nature of any evaluative, treatment, educational or training procedure, and he shall freely inform clients, students, or subjects that they have freedom of choice with regard to participation.

(c) Due to his inherently influential position, a psychologist or school psychologist shall not exploit the trust or dependency of clients.

(d) A psychologist or school psychologist should avoid dual relationships with clients and/or relationships which might impair his professional judgment or increase the risk of client exploitation. Examples of such dual relationships which often impair professional judgment or risk client exploitation include, but are not limited to, treating an employee or supervisee, treating a family relative, and treating a current student. A psychologist or school psychologist shall not engage in sexual relationships with clients or immediate ex-clients. Neither shall he terminate a therapeutic relationship with a client for the express or implied purpose of having a sexual relationship with that person. Nothing in this paragraph shall be construed to mean that a licensed psychologist or licensed school psychologist shall be prohibited from acting to apply necessary psychological procedures in an emergency situation, including effecting an appropriate referral where necessary.

(e) A psychologist or school psychologist shall not derive nor solicit any form of monetary profit or personal gain as a result of his professional relationship with clients or immediate ex-clients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.

(f) When acting as a supervisor, a trainer, or an employer, a psychologist or school psychologist shall accord recipients informed choice, confidentiality, and reasonable protection from physical or mental harm or danger.

(g) Financial arrangements shall be made clear to the client in advance of billing.

(h) A psychologist or school psychologist shall render a clear description of what the client may expect in the way of tests, reports, billing, therapeutic regime and schedule.

(i) A psychologist or school psychologist, who in his professional judgment considers that his services are being used in a setting which is not beneficial to the participants, shall make his observations known to the responsible persons and to the client.

(j) Psychological services for the purpose of diagnosis, treatment, or personalized advice shall be provided only in the context of a professional relationship, and shall not be given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail or similar media.

(k) The preparation of personnel reports and recommendations based on test data secured solely by mail is unethical unless such appraisals are an integral part of a continuing client relationship with a company, as a result of which the consulting psychologist has intimate knowledge of the client's

personnel situation and can be assured thereby that his written appraisals will be adequate to the purpose and will be properly interpreted by the client. These reports must not be embellished with such detailed analyses of the subject's personality traits as would be appropriate only after intensive interviews with the subject.

(l) Tests shall be appropriately chosen and be given for a justifiable purpose to the benefit of the client.

(3) Interprofessional relations. A psychologist or school psychologist shall not establish nor offer to establish a continuing treatment relationship with a person receiving psychological assistance from another professional except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.

(4) Remuneration.

(a) A psychologist or school psychologist shall not use his professional relationship with a client to derive personal gain, other than through fees for professional services, for himself, for any other person, or for any organization from the sale or promotion of a non psychology-related product or service.

(b) A psychologist or school psychologist shall not accept a private fee or any other form of remuneration for professional work with a person who is entitled to his services through an institution or agency. The policies of a particular agency may make explicit provision for private work with its clients by members of its staff, and in such instances the client shall be fully apprised of all policies affecting him prior to entering into a professional relationship with the psychologist or school psychologist.

(c) No commission or rebate or other form of remuneration shall be given or received by a psychologist or school psychologist for referral of clients for professional services, whether to/by an individual or to/by an agency. A psychologist or school psychologist shall not make any agreement or arrangement to share and/or divide fees and/or charges for professional services with any other professional person or with any other person.

(d) A psychologist or school psychologist shall not bill for services that are not rendered but may bill for missed appointments which the client did not cancel in advance according to arrangements required under paragraph (A) (2) (g) of this rule.

(5) Promotional activities. A psychologist or school psychologist associated with the development, promotion, or sale of psychological devices, books, or other products shall insure that such devices, books, or products are not misrepresented as to qualities, performance or results to be obtained from their use.

(6) Test security. Psychological tests and other assessment devices, the value of which depends in part on the naivete of the subject, shall not be reproduced or described in popular publications in ways that might invalidate the techniques. Access to such devices is limited to persons with professional interests who will safeguard their use.

(a) Sample items made up to resemble those of tests being discussed may be reproduced in popular articles and elsewhere, but scorable tests and actual test items shall not be reproduced except in professional publications.

(b) A psychologist or school psychologist is responsible for the secrecy of psychological tests

and other devices and procedures used for instruction. If the value of such psychological tests or other devices or procedures used for instruction might be damaged by revealing to the general public their specific contents or underlying principles, the instructor shall inform the students of this fact.

(7) Test interpretation.

(a) Test scores, like test materials, may be released to another person or an organization only when the patient's or client's rights to confidentiality as set forth in paragraph (C) of this rule have been adhered to.

(b) Test results or other assessment data used for evaluation or classification shall be communicated to employers, relatives, or other appropriate persons in such a manner as to guard against misinterpretation or misuse. In the usual case, an interpretation of the test result rather than the score is communicated.

(c) When test results are communicated directly to parents, legal guardians, and/or students, they shall be accompanied by adequate interpretive aids or advice. Explanations are given to all parties in language they can understand.

(d) Any individual or organization offering test scoring and interpretation services shall be able to demonstrate that their programs are based on appropriate research to establish the validity of the programs and procedures used in arriving at interpretations. The public offering of an automated test interpretation service will be considered as a professional-to-professional consultation. In this, the formal responsibility of the consultant is to the consultee but his ultimate and overriding responsibility is to the client.

(B) Competence.

(1) A psychologist or school psychologist recognizes the boundaries of his competence and the limitations of his techniques and shall not offer services or use techniques that fail to meet professional standards established in particular fields. The psychologist or school psychologist who engages in practice assists his client in obtaining professional help for all important aspects of his problem that fall outside the boundaries of his own competence. This principle requires, for example, that provision be made for the diagnosis and treatment of relevant medical problems and for referral to or consultation with other specialists.

(2) A psychologist or school psychologist shall exercise sound judgment and care in determining what constitutes his area(s) of competence. A guiding principle is the following: One who undertakes practice in a given specialty area will be held to the standard of care within that specialty while he is practicing in that area.

(C) Confidentiality. Section 4732.19 of the Revised Code established that the confidential relations and communications between a licensed psychologist or a licensed school psychologist and his patients or clients come under the umbrella of a privilege. Said privilege, in general, dictates that licensed psychologists and licensed school psychologists adhere to the following principles:

(1) The privilege is intended to protect the interest of the patient or client by encouraging free disclosure to the licensed psychologist or the licensed school psychologist and by preventing such disclosure to others. Thus, the patient rather

than the licensed psychologist or the licensed school psychologist holds and may assert the privilege.

(2) The privilege attaches only where the purpose of the relations between the licensed psychologist or the licensed school psychologist and the patient or client is for treatment or diagnosis.

(3) The patient or client, or legal guardian of same, may waive said privilege, thus permitting the licensed psychologist or the licensed school psychologist to disclose to others the confidential relations and communications between himself and said patient or client.

(4) The scope of said privilege is the same as that between a physician and his patient* and, therefore, court decisions construing the scope of the physician-patient privilege are applicable to the privilege between the licensed psychologist or the licensed school psychologist and his patient or client.

*See footnote, page 7, re Section 2317.02.

(D) Supervision. Rules 4732-13-01, 4732-13-02, and 4732-13-03 of the Administrative Code, pertaining to supervision of persons performing psychological work, shall be considered as a part of these rules for professional conduct.

Effective September 1, 1981

4732-17-02. Ethics Governing Research Insofar as Said Research Involves the Professional Practice of Psychology in Which Patient or Client Welfare Is Directly Affected

(A) In planning a study, the investigator has the personal responsibility to make a careful evaluation of its ethical acceptability, taking into account these principles for research with human beings. To the extent that this appraisal, weighing scientific and humane values, suggests a deviation from any principle, the investigator incurs an increasingly serious obligation to seek ethical advice and to observe more stringent safeguards to protect the rights of the human research participant.

(B) Responsibility for the establishment and maintenance of acceptable ethical practice in research always remains with the individual investigator. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur parallel obligations.

(C) Ethical practice requires the investigator to inform the participant of all features of the research that reasonably might be expected to influence willingness to participate, and to explain all other aspects of the research about which the participant inquires. Failure to make full disclosure gives added emphasis to the investigator's abiding responsibility to protect the welfare and dignity of the research participant.

(D) Openness and honesty are essential characteristics of the relationship between investigator and research participant. When the methodological requirements of a study necessitate concealment or deception, the investigator is required to ensure the participant's understanding of the reasons for this action and to restore the quality of the relationship with the investigator.

(E) Ethical research practice requires the investigator to respect the individual's freedom to

decline to participate in research or to discontinue participation at any time. The obligation to protect this freedom requires special vigilance when the investigator is in a position of power over the participant. The decision to limit this freedom gives added emphasis to the investigator's abiding responsibility to protect the participant's dignity and welfare.

(F) Ethically acceptable research begins with the establishment of a clear and fair agreement between the investigator and the research participant that clarifies the responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement.

(G) The ethical investigator protects participants from physical and mental discomfort, harm and danger. If the risk of such consequences exists, the investigator is required to inform the participant of that fact, secure consent before proceeding, and take all possible measures to minimize distress. A research procedure may not be used if it is likely to cause serious and lasting harm to participants.

(H) After the data are collected, ethical practice requires the investigator to provide the participant with a full clarification of the nature of the study and to remove any misconceptions that may have arisen. Where scientific or humane values justify delaying or withholding information, the investigator acquires a special responsibility to assure that there are no damaging consequences for the participant.

(I) Where research procedures may result in undesirable consequences for the participant, the investigator has the responsibility to detect and remove or correct these consequences, including, where relevant, long-term aftereffects.

(J) Information obtained about the research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to such information, ethical research practice requires that this possibility, together with any rights that the participants may have to confidentiality as set forth in division (E) of rule 4732-17-01 [after September 1, 1981, see paragraph (C) of rule 4732-17-01] be explained to the participants as a part of the procedure for obtaining informed consent.

(K) Investigations of human subjects using experimental drugs (for example: hallucinogenic, psychotomimetic, psychedelic, or similar substances) should be conducted only in such settings as clinics, hospitals, or research facilities maintaining appropriate safeguards for the subjects.

Effective April 14, 1975

4732-17-03. Consequence of Activities Listed in Section 4732.17 of the Revised Code; Opportunity for Appeal from Any Order of the State Board of Psychology

(A) The board may refuse to issue a license to any applicant, may issue a reprimand, or suspend or revoke the license of any licensed psychologist or licensed school psychologist, on any of the following grounds; however, before denying, suspending or revoking a license under section 4732.17 of the Revised Code or taking other disciplinary action against a licensee, the board shall consider charges filed by the secretary and provide a hearing in accordance with Chapter 119. of the Revised Code:

(1) Conviction of a felony, or any offense involving moral turpitude, in a court of this or any other state or in a federal court;

(2) Using fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

(3) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(4) Willful unauthorized communication of information received in professional confidence;

(5) Being negligent in the practice of psychology or school psychology;

(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs his ability to perform the work of a psychologist or school psychologist with safety to the public;

(7) Violating any rule of professional conduct promulgated by the board;

(8) Practicing in an area of psychology for which the person is clearly untrained or incompetent;

(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have his license issued or restored only upon determination by a court that he is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.

(B) Notice and hearing requirements incident to the revocation, suspension, or refusal to issue, reinstate, or renew a license to practice psychology, or incident to the reprimand of a licensee, shall be in compliance with the provisions of Chapters 119. and 4732. of the Revised Code, including the following:

(1) Notice shall be given to the licensee or applicant for licensure by certified mail of his right to a hearing on the question of whether or not his license should be revoked, suspended, not reinstated, or denied, or whether, if a licensee, he should be reprimanded;

(2) The notice shall include the charges or other reasons for such proposed action, the law(s) and/or rule(s) directly involved, and a statement informing the licensee or applicant for licensure that he is entitled to a hearing, if he requests it within thirty days of the date of mailing the notice;

(3) The notice shall also inform the licensee or applicant for licensure that at the hearing he may appear in person, by his attorney, or by such other representative as is permitted to practice before the

board, or may present his position, arguments, or contentions in writing and that at the hearing he may present evidence and examine witnesses appearing for and against him;

(4) Whenever a licensee or applicant for licensure requests a hearing, the board shall immediately set the date, time, and place for such hearing and forthwith notify the licensee or applicant for licensure thereof. The date set for such hearing shall be within fifteen days, but not earlier than seven days, after the licensee or applicant for licensure has requested a hearing, unless otherwise agreed to by both the board and the licensee or applicant for licensure. However, the board may postpone or continue any adjudication hearing upon the application of any party or upon its own motion;

(5) The board may empower any one or more of its members to conduct any proceeding, hearing, or investigation necessary to its purposes;

(6) Any party adversely affected by any order of the board issued pursuant to an adjudication hearing may appeal from the order of the board to the court of common pleas of the county in which the place of business of the licensee or applicant for licensure is located or the county in which the licensee or applicant for licensure is a resident. If any such party is not a resident of and has no place of business in Ohio, he may appeal to the court of common pleas of Franklin county, Ohio. Any party desiring to appeal shall file a notice of appeal with the board setting forth the order appealed from and the grounds of his appeal. A copy of such notice of appeal shall also be filed by appellant with the court. Such notices of appeal shall be filed within fifteen days after the mailing of the notice of the board's order.

Effective September 1, 1981

4732-19-01. Enforcement and Discipline

Licensed psychologists and licensed school psychologists governed by Chapter 4732, Ohio Revised Code, and by these rules shall be disciplined in accordance with Chapters 4732 and 119, Ohio Revised Code, for violation of these rules.

Effective April 14, 1975

4732-21-01. Independent Rules

Each rule of rules 4732-1-01 to 4732-21-01, inclusive, and every part of each rule is hereby declared to be an independent rule, and the holding of any rule or part thereof to be unconstitutional, void or ineffective for any cause shall not affect the validity or constitutionality of any other rule or part thereof.

Effective April 14, 1975

Hawaii - please see below.

REQUIREMENTS FOR LICENSE

- 1) **APPLICATION FORM AND ADDRESS** Complete this application form, tape a recent photograph of head and shoulders in the space provided and have your signature notarized. Mail or deliver all items to: ~~Psychologist License~~ *Pharmacist License, DCCA, PVL, Lic. Br., 1010 Richards Street, P.O. Box 3469, Honolulu, HI 96801.*
- 2) **FEES** All fees are nonrefundable. Check should be made payable to: *Commerce & Consumer Affairs.*
- | | | |
|------------------------------|-------|---|
| Application Fee | \$ 50 | Must be submitted with each application. |
| Examination Fee | \$150 | Must be submitted upon approval of application. |
| Certification Fee | \$ 30 | Must be submitted after all requirements for license are met. |
| Compliance Resolution Fund | \$ 10 | Must be submitted after all requirements for license are met. |
| ½ Renewal Fee | \$ 50 | Must be submitted in addition to the certification fee if license is issued in a fiscal year ending with an ODD number. |
| Temporary Permit Fee | \$ 30 | Must be submitted upon approval of permit. |
- NOTE: A \$7.50 SERVICE FEE FOR CHECKS THAT ARE NOT HONORED BY THE BANK.
- 3) **EXAM DATES AND FILING DEADLINES** Pass a written examination. Examinations are given in April and October. Application and all supporting documents must be received at least 75 days prior to the examination date. Incomplete applications are not considered.
- 4) **DEGREE AND GRADUATE WORK** Hold a doctoral degree in psychology or educational psychology from an accredited institution of higher education. *Submit a photocopy of your doctoral degree AND transcript of graduate school work.*
- 5) **TRAINING AND EXPERIENCE** Have a minimum of 3 or more graduate semester hours (or the equivalent in graduate quarter hours) in each of the following areas:
- A) Scientific and professional ethics and standards
 - B) History and systems
 - C) Research design and methodology
 - D) Statistics and psychometrics
- Have a minimum of 6 or more graduate semester hours (or the equivalent in graduate quarter hours) in each of the following areas:
- A) Biological bases of behavior; physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.
 - B) Cognitive-affective bases of behavior; learning, thinking, motivation, emotion.
 - C) Social bases of behavior; social psychology, group processes, organizational and systems theory.
 - D) Individual differences; personality theory, human development, abnormal psychology.
- Submit attached "Training Report" (form #PSY-01A).*
- 6) **INTERNSHIP** Have completed one year of internship in psychology under the supervision of a psychologist. *Submit letter of internship signed by your supervisor, who must have a doctoral degree in psychology and at least 2 years of experience in the supervised work.*

REQUIREMENTS FOR RECIPROCITY OR TEMPORARY PERMIT

IN ADDITION to submitting ALL items listed above:

- 7) **OUT-OF-STATE LICENSE OR DIPLOMATE OF ABEPP** Have a certificate or license in good standing in another state which was issued after the passing of a written and an oral examination produced by the American Association of State Psychology Boards. *Submit an official statement forwarded by the authority which issued your license attesting that it is currently valid and was issued after passing of the required written and oral examination.*
- OR
- Be a holder of a diplomate certificate in good standing of the American Board of Examiners in Professional Psychology. *Submit a photocopy of your diplomate certificate in good standing from the American Board of Examiners in Professional Psychology.*
- 8) **LAWS EXAM AND INTERVIEW** You will be required to pass a one-half hour examination covering the Hawaii psychologist law (Chapter 465, H.R.S.) and the Board's rules. To obtain a copy, send \$1.25 to: CASHIER, Commerce & Consumer Affairs, P.O. Box 541, Honolulu, HI 96809. Price subject to change without notice.

APPLICATION FOR CERTIFICATION – PSYCHOLOGIST

SEE REVERSE SIDE FOR INSTRUCTIONS.

EXAM \$50 appl \$150 exam PhD deg Trns-grad Train Rpt Intern (yr)	END/TEMP: \$30 permit out-st veri ABEPP cert	LICENSE: \$10 CRF \$30 License \$50 ½ (7/Ev to 8/Odd)
	Effective Date	Lic. No.

FOR OFFICE USE

Name (First—Middle—LAST)	
Mailing Address (Include Apt. No. and ZIP CODE)	
Social Security No.	Phone (days)

- During the past 20 years have you ever been convicted of a crime in which a jail sentence was imposed and where there has not been any order annulling or expunging the sentence? YES NO
If yes, explain on separate sheet.
- Have you been certified or licensed to practice psychology in another state? YES NO
If yes, what state? Was a written examination required? YES NO
- Have you ever been denied a certificate or license as practicing psychologist? YES NO
If yes, explain on separate sheet.
- a) Has any license ever been suspended, revoked or otherwise subject to disciplinary action? YES NO
If yes, explain on separate sheet.
- b) Are there any disciplinary actions pending against you? YES NO
If yes, explain on separate sheet.

EDUCATION	Name of Institution	Major Course of Study	Date of Graduation	Degree Conferred	
EXPERIENCE	Name and Address of Employer	Duties	Dates		Position
			From	To	

USE A STAPLER TO
AFFIX A RECENT
PHOTOGRAPH

HERE,
2½" x 2½"

HEAD AND SHOULDERS ONLY

I certify that the answers and statements made in this application are true and correct. I understand that misrepresentation is grounds for refusal or subsequent revocation of license (Sec. 710-1017, Hawaii Revised Statutes).

APPLICANT'S SIGNATURE _____

Subscribed and sworn to before me this
day of 19

Notary Public, State of
My Commission expires

Psychologist:	App	112-0886-01		\$ 50	} \$200
	Ex	112-0886-02		\$150	
	Temp	112-0886-04		\$ 30	
	Lic	112-0886-03		\$ 30	} \$ 40
	CRF	049-0953-13		\$ 10	
	½	112-0128-02		+\$ 50	

Massachusetts - Please see below

INSTRUCTIONS FOR COMPLETING APPLICATION FOR LICENSURE
AS A PSYCHOLOGIST

All applicants for licensure please read the following instructions carefully, as they relate to the application form.

PLEASE COMPLETE ALL ITEMS ON FORM. OFFICIAL TRANSCRIPTS OF ALL GRADUATE WORK MUST BE SENT BY THE UNIVERSITY TO THE STATE BOARD.

Item 2. Legal Residence: That permanent residence which is also your voting address. Legal residency in Massachusetts is not required.

Item 8. If you request licensing by examination the entire form must be completed. You will be notified at a later date of your eligibility to take the examination and of the time and place for examination. Examinations are usually given in April and October, and applications must be complete by February 1st to take the April exam and by August 1st for the October exam.

At the time of the examination, the applicant must supply a positive identification by photograph. The applicant may bring either,

- (a) A Massachusetts motor vehicle operator's license, or
- (b) A photograph taken within the past year, signed by the applicant and witnessed and countersigned by a registered Notary Public.

If you request licensing by reciprocity, complete all items and forward a photocopy of your state license or certificate, or diplomate certificate with this application. Please also have your state board of registration mail to this Board information as follows:

- (a) Date and form of examination you took
- (b) National mean raw score reported by PES on that examination
- (c) Standard deviation
- (d) Your score
- (e) Your current status in that state

Item 10. Use the following fields of psychology to complete this item. Write in your own only if none of these areas fit your training and experience:

Can't tell

Systems, Methodology & Techniques	Educational Psychology
Experimental Psychology	Engineering Psychology
Physiological Psychology	Industrial & Organizational Psychology
Social Psychology	Psychometrics
Developmental Psychology	Comparative/Animal Psychology
Personality Psychology	Military Psychology
Clinical Psychology	Psycholinguistics
Community Psychology	Psychopharmacology
Counseling Psychology	General Psychology
Neuropsychology	School Psychology
Forensic Psychology	
Other Psychology Fields	

In responding to this question, you must first list in "A" the field in which you were trained at the doctoral level as it appears on your transcript issued by the institution which granted your doctoral degree, or as officially designated by the

program and department in which you obtained your doctoral degree. This must be preceded by your degree abbreviation as printed on the transcript of your degree granting institution. Example, if your degree was obtained from a School of Education which awarded you the Doctorate of Education in Counselor Education, your response to item "A" should read, (1) "Ed.D. Counselor Education".

If you have undertaken a course of post-doctoral retraining, this field must be listed next as it is titled in transcripts and official publications of the program in which you obtained the retraining. Retraining consists of:

a. If obtained prior to 1979: a two-year full time or equivalent academic and/or field educational training experience conducted by a formally constituted training program or center and comprised of an integrated sequence of didactic and practical experiences and for which a formal diploma or certification of completion was issued. A notarized copy of this certificate or diploma must accompany your application.

b. If obtained after July 1, 1979: such retraining shall consist of completion of the required core of courses ordinarily expected to be taken by doctoral candidates who receive their doctoral degrees in the field in which you have been retraining as well as practical and internship requirements for that field. A letter attesting to your completion of these requirements from the director or an administrative official of the program in which you were retrained must accompany this application.

If you have not undertaken a course of post-doctoral retraining, please fill in 10B and 10C, by stating those areas of psychology in which you have had supervised practical experience ranked according to the extensiveness in didactic training and supervised experience. List first that area in which you have had the most supervised experience and/or academic preparation.

Beneath 10B and 10C in the space marked "2", enter number of hours of supervised experience in these fields, experience that is not supervised must be so designated.

RECIPROCITY APPLICANTS:

If you are a Senior Psychologist applying for licensure in Massachusetts and are already licensed in another state or hold the A.B.P.P. diploma, please fill in this item in the following fashion, viz:

10A. Doctoral degree and field as it appears on your graduate transcript

- B. 1. Field in which you hold the A.B.P.P. diploma
2. A.B.P.P. and diploma number

Item 22: All applicants must complete this item and send sufficient Supervision and Collaboration Reference Forms to supervisors or collaborators to verify experience. At least 100 weeks of full time supervised professional experience is required, 50 of which must be post-doctoral. Supervised experience can only be counted when obtained in settings where you functioned as a supervisee for more than, 16 hours per week and for more than four months in duration. Experience cannot be

counted until the applicant has had at least one full year of graduate training. (See Section 5 of the Rules and Regulations).

Item 24: It is your responsibility to give the Professional and Ethical Reference Forms to your three endorsers for their completion. Be sure that they meet the definition of endorsers as outlined on the application form and that they meet the completed forms directly to the Board. BEFORE YOU GIVE THEM THIS FORM, YOU MUST SIGN THE "WAIVER OF LIABILITY" STATEMENT ON EACH FORM. (Please note that at least two endorsers must be able to certify that they have "thorough" knowledge of your professional and ethical behavior. P & E form Item 6)

Item 25: In completing this item the applicant should be aware of the Ethical Standards of Psychologists, Principle 2, Competence.

FEES

1. An application fee of \$90.00 must accompany this application.
2. Following review, if the applicant meets licensing requirements, an Initial license fee of \$60.00 is due. This initial license fee covers the licensed psychologist until the biennial renewal fee is due (July 1st of the even year).
3. Biennial renewal fee: \$60.00

All fees should be made payable to the COMMONWEALTH OF MASSACHUSETTS, in check or money order form.

REMINDERS:

1. OFFICIAL transcripts of all graduate work are necessary to complete all applications. The official transcripts must be sent to the Board directly by the Universities.
2. It is your responsibility to inform the Board if you change your address and to maintain your license as current by paying your biennial renewal fee promptly.



The Commonwealth of Massachusetts

Division of Registration

Board of Registration of Psychologists

Leverett Saltonstall Building, Government Center

100 Cambridge Street, Boston 02202

TO: All prospective applicants for Massachusetts registration
for Psychology licensure

FROM: Board of Registration of Psychologists

RE: Board Regulations explaining requirements for admission.

It is suggested that each candidate for Massachusetts registration/license
obtain pertinent Board Regulations in the following manner:

1. Submit check in the amount of \$1.70, made payable to
"Commonwealth of Massachusetts",
2. TO: State House Bookstore
Room 116, State House
Boston, MA 02133
3. ASK FOR: 251 CMR (Code of Mass. Regulations-Bd. of Psychology)
4. FURNISH: Name and address

24. Give name and address of three references, at least two whom are licensed psychologists who know your professional background and ethical standards.

The other endorser may be a psychologist, a board certified psychiatrist or at the discretion of the Board, a member of another psychological specialty. (Regs. c. i. Par . Give your endorser the enclosed form after signing waiver of liability on top of each form and have endorser send the form directly to the Board. This is your responsibility.

1. Name _____ Title or Position _____
Address _____ Tel # _____
2. Name _____ Title or Position _____
Address _____ Tel # _____
3. Name _____ Title or Position _____
Address _____ Tel # _____

25. I agree to conduct my professional activities in accordance with accepted standards of the American Psychological Association. _____
signature

I certify that I possess and have completely read the most recent version of the Ethical Principles of Psychologists of the American Psychological Association. _____
signature

26. Affidavit
(To be made before a Notary Public or other public official qualified by law to administer oaths)

I, the undersigned, being duly sworn, do state upon oath that the foregoing statements are true and made in good faith.

Applicant's Signature

State of _____
County of _____

I, _____, a Notary Public in and for State aforesaid,
DO HEREBY CERTIFY that _____, personally known to me to be the
same person whose name is subscribed to the foregoing instrument appeared before me this day in person, and acknowledge
that he/she signed, sealed and delivered the said instruments as his/her free and voluntary act, for the uses and purposes
set forth.

GIVEN under my hand this _____ day of _____ 19 _____.

Notary Public

My commission expires

ATTACH SIGNED RECENT
2 x 2 FACE PHOTO
(PASSPORT TYPE)
HERE



The Commonwealth of Massachusetts

Division of Registration

Board of Registration of Psychologists

100 Cambridge Street, Boston 02202

Tel: 617-727-9925

APPLICATION FOR LICENSE TO PRACTICE PSYCHOLOGY IN MASSACHUSETTS

Type or Print Clearly

DATE: _____

1. Name _____
Type or Print name exactly as it should appear on license
2. Legal Residence _____
Street _____ City _____ State _____ Zip _____
Telephone No. _____
3. Business Address _____
Street _____ City _____ State _____ Zip _____
Telephone No. _____
Check mailing address _____
4. Social Security Number _____
5. (a) Birthdate _____ (b) Sex _____
6. Birthplace _____
7. Are you a citizen of the United States?
Yes _____ No _____ If no, of which country? _____
8. This application is for (check box)
☐ Licensing as Psychologist by Examination
☐ Licensing as a Psychologist by Reciprocity from (state) _____
Applicants for licensing by reciprocity must complete all items on this application and forward photocopy of
state license or diplomate certificate and results of licensing examination. (See Instructions)
9. Do you intend to practice psychology in this state?
Yes _____ No _____ If yes, please delineate your plans.*

*If response is necessary, please use 8 1/2 x 11 paper.

Deadline for receipt of application material, Jan. 1st for April Exam, and July 1st for October Exam.

Applicant is responsible for making certain that all supporting materials are before the Board Feb. 1st for April Exam, and Aug. 1st for Oct. Exam.

10. Name those fields of areas of psychology in which you intend to practice (maximum of three) in the Commonwealth and document by academic preparation and practical supervised training. Use fields given in instruction form.

Specialization: A (1) _____ B (1) _____ C (1) _____
Training: (2) _____ (2) _____ (2) _____
Experience: (3) _____ (3) _____ (3) _____

10a. Request that official transcripts of all graduate work be submitted to this Board.

- 10b. If your academic training and supervised experience has not been in the field(s) that you cite above, please append documentation of the training and experience which qualify you in these fields.

11. Have you ever been convicted of a felony or misdemeanor, other than a traffic violation?

Yes _____ No _____ If yes, please give details in a written confidential statement addressed to the Chairman of the Board.

12. If you have ever been disciplined in any form for unethical behavior or unprofessional conduct, you are required to submit a written confidential statement addressed to the Chairman of the Board outlining details of the action.

13. Have you been licensed or certified in psychology in Massachusetts or another state?

Yes _____ No _____ Name of State _____ License No. _____
Certificate No. _____ Date Issued _____
Specialty _____
Is the license or certificate current? Yes _____ No _____

14. Have you ever had a license or certificate denied, revoked or suspended?

Yes _____ No _____ If yes, append letter with details.

15. Do you hold the Diploma of the American Board of Professional Psychology?

Yes _____ No _____ If yes, give details: _____

16. Other professional license or certification? Yes _____ No _____

Specialization _____ Date of certification _____

17. List all professional organizations of which you are a member and give membership level.

18. Have you ever been rejected for membership in a professional organization?

Yes _____ No _____

Has your membership in a professional organization ever been revoked? If yes, append letter with details.

19. Have you ever been censured by a professional organization of which you were a member?

Yes _____ No _____ If yes, append letter with details.

20. Undergraduate Education:

College or University _____
Dates attended _____ Degree and date _____
mth/yr
Major _____

21. Graduate Education:

a. University _____ Dates attended _____

Doctoral degree and date _____ Major _____
mth/yr

Date of completion of all doctoral degree requirements _____

Major Advisor _____
Name and Title

Title of Thesis _____

b. University _____ Dates attended _____

Degree and Date _____ Major _____
mth/yr

Major Advisor _____
Name and Title

Title of Thesis _____

c. University _____ Dates attended _____

Degree and Date _____ Major _____
mth/yr

Major Advisor _____
Name and Title

Title of Thesis _____

22. & 23. (See enclosed yellow sheet)



STATE OF CONNECTICUT

DEPARTMENT OF HEALTH SERVICES

DIVISION OF MEDICAL QUALITY ASSURANCE

Licensure Requirements PSYCHOLOGISTS

Application for Initial Licensure

*approved by board
& commission
of health services* *please see page 2
of the statutes
and page 2 of the regs.*

Eligibility: An applicant for initial licensure must have received a doctoral degree from an approved program in psychology. In addition, the applicant must have completed at least one year of post-doctoral work experience within a given area of specialization (35 hours/week for at least 45 weeks).

All schools in which the doctoral work is done must have been accredited by the appropriate regional accrediting agency. The curriculum of an approved program shall encompass a minimum of three academic years of full-time graduate work and shall include instruction in professional ethics, research design, research methodology, statistics and psychometrics. In addition to these courses of study, competence is required in each of the following areas: Biological bases of behavior, cognitive-affective bases of behavior, social bases of behavior, and individual differences. At least three semester hours are required in each of these four core areas.

Application Procedure: The application form must be completed in-full, be notarized, and returned to Division of Medical Quality Assurance. The following supporting documents must be forwarded directly to this Division:

- official transcripts of all graduate work.
- letters of evaluation from three people attesting to the applicant's moral character and professional abilities.
- evaluation forms completed by supervisors of the applicant's post-doctoral work experience/internship.
- a bank check, certified check or Money Order for \$150.00 made payable to: Treasurer, State of Connecticut.
- Summary of work experiences since graduation.

ALL APPLICATIONS AND DOCUMENTS MUST BE RECEIVED AT LEAST 60 DAYS PRIOR TO THE FIRST DAY OF THE MONTH OF THE EXAM.

Licensure Without Examination:

Eligibility: Persons with a current valid license in another state on the basis of standards at least equal to those of Connecticut may receive licensure without exam.

Application Procedure: Same as above but you must have the Interstate Reporting Service report your scores to Connecticut. The application fee for licensure without exam is \$100.00. You must request the other state in which you are licensed to send verification of same to this office.

CHAPTER 383
PSYCHOLOGISTS

Section 20-186. Board of Examiners. (a) The board of examiners of psychologists shall consist of five members appointed by the governor, three of whom shall be practicing psychologists in good professional standing and licensed according to the provisions of this chapter and two of whom shall be public members. Each such member shall be a resident of this state. No member of said board shall be an elected or appointed officer of any professional association of psychologists or have been such an officer during the year immediately preceding his appointment. The governor shall designate one member as chairman of said board and shall fill any vacancy therein by appointment for the unexpired portion of the term. No member shall serve for more than two full consecutive terms commencing after July 1, 1980. Members shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(b) Said board shall meet at least once during each calendar quarter and at such other times as the chairman deems necessary. Special meetings shall be held on the request of a majority of the board after notice in accordance with the provisions of section 1-21. Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from office. Minutes of all meetings shall be recorded by the board. No member shall participate in the affairs of the board during the pendency of any disciplinary proceedings by the board against such member.

Section 20-186a. Duties of board of examiners. The board of examiners of psychologists shall (1) hear and decide matters concerning suspension or revocation of licensure, (2) adjudicate complaints filed against practitioners licensed under this chapter, and (3) impose sanctions where appropriate.

Section 20-187a. License required. Practice defined. No person shall practice psychology unless he has obtained a license as provided in section 20-188. The practice of psychology means the rendering of professional services under any title or description of services incorporating the words psychologist, psychological or psychology, to the public or to any public or private organization for a fee or other remuneration. Professional psychological services means the application, by persons trained in psychology, of established principles of learning, motivation, perception, thinking and emotional relationships to problems of personnel evaluation, group relations and behavior adjustment, including but not limited to counseling, guidance, psychotherapy and behavior modifications, with persons or groups with adjustment problems in the areas of work, family, school, marriage and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills; and research on problems relating to human behavior.

✓ Section 20-188. Examination; qualifications. Before granting a license to a psychologist, the department shall, except as provided in section 20-190, require any applicant therefor to pass an examination in psychology to be given at such time and place as the department prescribes. Examinations shall be prescribed by the department, with the advice and consent of the board, and shall be administered to applicants by the department of health services under the supervision of the board. Each applicant shall pay a fee of one hundred fifty dollars, except an applicant for licensure under section 20-190 shall pay a fee of one hundred dollars, and shall satisfy the department that he (1) has received the doctoral degree based on a program of studies whose content was primarily psychological from an educational institution registered as provided in section 20-189; and (2) has had at least one year's postdoctoral experience of a type satisfactory to the board. Such applicant shall further verify that he intends in good faith to practice psychology in this state. The department shall establish a passing score with the consent of the board. The department of health services shall grade the examinations returned by the candidates. Any unsuccessful candidate may, upon written request to the department, see his graded paper. Any certificate granted by the board of examiners prior to June 24, 1969, shall be deemed a valid license permitting continuance of profession subject to the provisions of this chapter.

[Section 20-189. Graduation from approved education program required. Applicants shall graduate from an education program approved by the board with the consent of the commissioner of health services.

Section 20-190. License without examination of out-of-state licensees and practitioners, holders of diploma from national board. The department of health services may grant a license without examination to any applicant who is a currently practicing, competent practitioner and who at the time of application is licensed or certified by a similar board of another state whose standards, in the opinion of the department, are substantially similar to, or higher than, those of this state; and may waive the examination for any person holding a diploma from a nationally recognized board or agency approved by the board of examiners. The fee for such license shall be one hundred dollars. No license shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint. The department shall inform the board annually of the number of applications it receives for licensure under this section.

Section 20-191a. Renewal of license. Each license issued under this chapter shall be renewed annually in accordance with the provisions of section 19a-88. Thirty days prior to the expiration date of each license under said section 19a-88, the department shall mail to the last-known address of each licensed psychologist an application for renewal in such form as said department determines. Each such application, on or before such expiration date, shall be returned to said department, together with

a fee of twenty-five dollars, and the department shall thereupon issue a renewal license. In the event of failure of a psychologist to apply for such renewal license by such expiration date, he may so apply subject to the provisions of subsection (b) of section 19a-88.

Section 20-191b. Fees for lost license and verifying licensure. The board of examiners of psychologists may charge a fee of two dollars for replacement of any lost license and a fee of three dollars for verifying licensure to the appropriate agency of any other state.

Section 20-192. Disciplinary action; grounds; appeals. The board may take any action set forth in section 19a-17, if the license holder: Has been convicted of a felony; has been found by the board to have employed fraud or deceit in obtaining his license or in the course of any professional activity, to have violated any provision of this chapter or any regulation adopted hereunder; to have acted negligently, incompetently or wrongfully in the conduct of his profession; practiced in an area of psychology for which he is not qualified; is suffering from physical or mental illness, emotional disorder or loss of motor skill, including but not limited to, deterioration through the aging process or is suffering from the abuse or excessive use of drugs, including alcohol, narcotics or chemicals. The commissioner of health services may order a license holder to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is the subject of an investigation. Said commissioner may petition the superior court for the judicial district of Hartford-New Britain to enforce such order or any action taken pursuant to section 19a-17. Notice of any contemplated action under said section, of the cause therefor and the date of hearing thereon shall be given and an opportunity for hearing afforded as provided in the regulations adopted by the commissioner of health services. The attorney general shall, upon request, furnish legal assistance to the board. Any person aggrieved by any action of the board may appeal therefrom as provided in section 4-183, except such appeal shall be made returnable to the judicial district where he resides. Such appeal shall have precedence over nonprivileged cases in respect to order of trial.

Section 20-193. False representation. Penalties. Any person not licensed as provided in this chapter who, except as provided in section 20-195 represents himself as a psychologist or, having had his license suspended or revoked continues to represent himself as a psychologist, or carries on the practice of psychology as defined in sections 20-187a and 20-188, shall be fined not more than five hundred dollars or imprisoned not more than six months or both, and each violation shall be deemed a separate offense. Any such person shall be enjoined from such practice by the superior court upon application by the board. The department of health services may, on its own initiative or at the request of the board, investigate any alleged violation of the provisions of this chapter or any regulations adopted hereunder.

Section 20-194. Right to practice medicine not granted. Nothing in this chapter shall be construed to grant to licensed psychologists the right to practice medicine as defined in section 20-9.

Section 20-195. Exempted activities and employment. (a) Nothing in this chapter shall be construed to limit the activities and services of a graduate student, intern or resident in psychology, pursuing a course of study in an educational institution registered under the provisions of section 20-189, if such activities constitute a part of his supervised course of study. The provisions of this chapter shall not apply to any person in the salaried employ of any person, firm, corporation, educational institution or governmental agency when acting within his own organization. Nothing in this chapter shall be construed to prevent the giving of accurate information concerning education and experience by any person in any application for employment. Nothing in this chapter shall be construed to prevent physicians, osteopaths, optometrists, chiropractors, members of the clergy, attorneys-at-law or social workers from doing work of a psychological nature consistent with accepted standards in their respective professions.

(b) Nothing in this chapter shall prevent any person holding a certificate as school psychologist or school psychological examiner, granted by the state board of education, from using such title to describe his activities within an elementary or secondary school. Nothing in this chapter shall prevent any person who holds a standard certificate, granted by said board, as school psychologist or school psychological examiner from using such title to describe his activities within the private sector. Such activities within the private sector shall be limited to: (1) Evaluation, diagnosis, or test interpretation limited to assessment of intellectual ability, learning patterns, achievement, motivation, or personality factors directly related to learning problems in an educational setting; (2) short-term professional advisement and interpretive services with children or adults for amelioration or prevention of educationally-related problems; (3) educational or vocational consultation or direct educational services to schools, agencies, organizations or individuals, said consultation being directly related to learning problems; and, (4) development of educational programs such as designing more efficient and psychologically sound classroom situations and acting as a catalyst for teacher involvement in adaptations and innovations. Section 10-145b and regulations adopted by the state board of education concerning revocation of a standard certificate shall apply to a school psychologist or school psychological examiner who uses such title to describe activities within the private sector.

(c) Nothing in this chapter shall prevent any person employed by the state prior to July 1, 1985 with a title in the psychology series of the classified service from using a title in such series to describe his or her duties in the course of his or her employment with the state. The provisions of section 20-187a shall not apply to any person employed in such psychology series prior to July 1, 1985.

RULES OF PRACTICE
BOARD OF EXAMINERS OF PSYCHOLOGISTS OF CONNECTICUT

PROCEDURE GOVERNED AND STRUCTURE

Sec. 20-187-1. Procedure Governed. These rules govern practice and procedure before the Board of Examiners of Psychologists of the State of Connecticut under Chapter 383 of the Connecticut General Statutes except where by statute otherwise provided.

Sec. 20-187-2. Board of Examiners of Psychologists. The Board of Examiners of Psychologists is composed of five members appointed by the Governor for a term of five years, in accordance with the provisions of Sec. 20-186, Conn. Gen. Stat. All subsequent references to the "Board" shall mean the Board of Examiners of Psychologists.

Sec. 20-187-3. Meetings. The Board meets at least six times yearly. Additional meetings may be called as the Board deems necessary.

Sec. 20-187-4. Official address. All communications should be addressed to: Chairman or Secretary of Board of Examiners of Psychologists, Care of Department of Health, 79 Elm Street, Hartford, Connecticut 06115.

RULES OF PRACTICE AND PROCEDURE

Sec. 20-187-5. Standards. The Board adopts those standards which in its opinion are appropriate with respect to requirements for application, examination and licensure and which are not inconsistent with the provisions of Chapter 383 of the Connecticut General Statutes.

Sec. 20-187-6. Applications, Submission. (a)(1) Applications for examination and licensure shall be made to the Board on forms designated by said Board. Forms may be obtained from the Secretary of the Board.

(2) Completed applications shall be submitted to the Secretary of the Board and shall be accompanied by a non-refundable application fee, as required by statute, subject to the provision of Sec. 20-187-13.

(b) The application shall: (1) contain a statement by the applicant that he or she is a resident of the State of Connecticut or intends in good faith to practice psychology in the State of Connecticut; (2) the area of psychology in which he or she intends to practice in accordance with the provisions of Sec. 20-187-9; and (3) be properly signed and under oath.

(c) Any application submitted to the Board shall be completed to its satisfaction for consideration, to include: (1) the names and addresses of individuals selected by the applicant from whom references and evaluations will be forwarded directly to the Board; (2) the names and addresses of all graduate educational institutions attended by the applicant, which institutions shall be required to forward directly to the Board certified transcripts of the applicant's academic record; (3) the names and addresses of all other boards, agencies, commissions or the like which have certified or licensed the applicant which body will forward directly to the Board evidence of such certification or licensure.

(d) All applications, references, transcripts, evidence of certification or licensure, or any other material submitted to the Board shall be made a permanent record of said Board.

Sec. 20-187-7. Consideration of Applications. (a) For consideration of an application by the Board for the next scheduled examination, the application and required supporting documents must be received by the Secretary of the Board no later than sixty (60) days proceeding the first day of the month in which the licensing examination is scheduled.

(b) It shall be the sole responsibility of applicant to insure that all application forms and all supporting material are submitted to the Secretary of the Board in a timely fashion and in accordance with Sec. 20-187-7(a).

(c)(1) If an applicant does not complete all requirements for licensure within one year after the date of receipt of the application, said application will be terminated; (2) any applicant whose application has been terminated must re-apply in accordance with the provisions of Sec. 20-187-6 to include payment of a non-refundable application fee for any further consideration for licensure by the Board.

Sec. 20-187-8. Qualifications. (a) All applicants seeking licensure by the Board shall meet the qualifications for licensure found in Chapter 383 of the Connecticut General Statutes, as amended, and regulations promulgated thereunder by the Board.

(b) Each applicant shall submit evidence which, in the opinion of the Board, substantiates that the applicant's doctoral degree was primarily psychological. Where the evidence is not sufficient, the Board may require additional evidence from the applicant and/or seek advice from appropriate experts upon its own initiative and without prior consultation with the applicant prior to making its determination.

(c)(1) The Board shall only accept and recognize doctoral degrees from educational institutions registered with the Secretary of the State Board of Education, in accordance with the provisions of Sec. 20-189 of the General Statutes; (2) the Board advises the Secretary of the State Board of Education, pursuant to Sec. 20-189, Connecticut General Statutes, as amended, that doctoral degrees from educational institutions accredited by governmental agencies and/or national and regional professional accrediting agencies may be registered.

~~**Sec. 20-187-9. Declaration of Area of Practice.** An applicant for licensure must declare the area of intended practice in accordance with Sec. 20-187-6(b)(2) and:~~

~~(a) If the area declared is clinical, the applicant must submit satisfactory evidence of completion of a one-year clinical internship approved by the American Psychological Association or such other clinical program or programs which are, in the opinion of the Board, accepted by recognized professional and educational agencies.~~

~~(b) If the area declared is other than clinical, for example, counseling, industrial, school, social or other, the applicant must submit satisfactory evidence, in the opinion of the Board, of training and education for that area of practice.~~

Sec. 20-187-10. Experience. (a) An applicant shall have completed at least one year post-doctoral experience of a type satisfactory to the Board, ~~in the area of psychology in which the applicant has declared his intention to practice, in accordance with Sec. 20-187-6(b)(2).~~

(b) One year post-doctoral experience shall consist of no less than thirty-five (35) hours per week for forty-five weeks, within one calendar year.

(c)(1) The applicant shall submit to the Board the name and address of the person or persons competent to evaluate the post-doctoral experience of the applicant and from whom an evaluation will be forwarded directly to the Board in accordance with Sec. 20-187-6(c)(1); (2) a person or persons competent to evaluate the post-doctoral experience means that the person or persons directly supervised the applicant or demonstrated to the satisfaction of the Board that he(they) had sufficient contact with the applicant to form an opinion to evaluate the applicant's professional skills.

(d) Credit for teaching and research shall only be granted when, in the opinion of the Board, such activities are: (1) clearly relevant to the declared area of intended practice; and (2) supplemented to a satisfactory degree by applied practical experience in the declared area of intended practice.

~~Sec. 20-187-11. Licensure for Additional Areas of Practice. (a) An applicant seeking licensure in additional areas of practice to that which he is already licensed must: (1) submit an additional application for each additional area of practice, together with all required documentary evidence in accordance with Sec. 20-187-6; (2) pay an additional application fee for each area of practice; and (3) fulfill all statutory and regulatory requirements for each additional area of practice, (4) provide evidence of additional training for each additional area for which license is sought.~~

Sec. 20-187-12. Examination. (a) The Board shall determine: (1) the subject matter and scope of the examination for licensure; (2) the method or mode of examination, that is, oral or written or a combination; (3) in advance the acceptable or passing level of performance for each examination.

(b) Applicants will be advised as to the date, time and place of the examination three weeks prior thereto.

Sec. 20-187-13. License Without Examination or Waiver. (a) Applicants do not apply for licensure without examination or a waiver of examination.

(b) In those states where licensing standards or certification standards are not lower than those required by Chapter 383 of the Connecticut General Statutes and the regulations promulgated thereunder and the applicant has been so licensed or certified, the Board may grant a license without examination upon submission of a complete application to the Board and official documentation of said licensing or certification.

(c) Diplomates of the American Board of Examiners in Professional Psychology shall make full application for licensure and may be considered individually for waiver of examination by the Board.

~~(d) If the Board, in its discretion, determines to grant a license without examination or waiver of examination, one third of the original application fee submitted in accordance with Sec. 20-187-6(b) will be refunded to the applicant in due course without interest.~~

Sec. 20-187-14. Complaints. (a) Complaints of felony convictions, fraud or deceit in obtaining a license, neglect or wrongful action in the conduct of the profession, or practice in an area of psychology for which the licensee is not qualified may be presented to the Board.

(b) Any complaint shall be in writing and under oath, describing in detail all circumstances leading to the complaint.

Sec. 20-187-15. Notice of Hearing. (a) The Board shall hold such hearings as it deems necessary to decide on suspension or revocation of a license, as provided by Sec. 20-192 of the Connecticut General Statutes.

(b) The duly authorized representative of the Board shall cause to be issued and sent by registered or certified mail, returned receipt requested, to the licensee at his last known address, a written notice which shall include the date, time, place and nature of hearing, the facts or conduct alleged which could warrant suspension or revocation as required in Sec. 4-182 of the General Statutes, and the appropriate statutory authority not less than fifteen (15) days prior to said hearing.

Sec. 20-187-16. Conduct of Hearings. (a) The psychologist against whom a charge is filed shall have a right to appear before the Board in person or by counsel, or both, may produce witnesses and evidence in his behalf and may question witnesses.

(b) No license issued under this chapter shall be revoked or suspended without such hearing, but the nonappearance of the holder of such license, after notice, shall not prevent such hearing.

(c) The Board may subpoena witnesses and papers in its own behalf and, if requested by the psychologist, may subpoena witnesses and papers in his behalf.

(d) The Board may administer oaths, may compel the testimony of witnesses and may examine witnesses.

(e) The Board may issue commissions to take testimony and the testimony so taken and sworn to shall be admissible in evidence for and against the psychologist.

(f) The rules of evidence shall be as prescribed in section 4-178 of the General Statutes.

Sec. 20-187-17. Findings and Report of Hearing. The decision and/or order of the Board shall be sent by certified mail to the parties setting forth the findings of fact, conclusions of law and decision of the Board, separately stated. All decisions and/or orders rendered after a hearing shall be filed in the office of the Board.

PETITIONS FOR DECLARATORY RULINGS

Sec. 20-187-18. Petitions for Declaratory Rulings. (a) Any interested person may submit a petition for a declaratory ruling by the Board regarding the applicability of any statute or regulation administered by the Board to any practice described in the petition. The petition shall be in writing and submitted by mail or hand-delivered to the Chairman of the Board. It shall contain a detailed statement of the person's interest in such matter and the facts relevant thereto. The Board may demand such additional facts as it deems necessary.

(b) Within sixty (60) days following receipt of a petition, the Board shall, in its discretion, determine whether to deny it or to grant it. If it is denied, the Board shall notify the petitioner of its reasons in writing. If it is granted, the Board shall make a ruling and send it to the petitioner.

RULE MAKING

Sec. 20-187-19. Petitions for Rule Making. Petitions by interested persons requesting the promulgation, amendment, or repeal of a regulation of the Board must be submitted to the Board in writing. Such petition shall contain an explanation of the person's interest in the particular subject matter and the reasons for the proposal. Within thirty (30) days of the receipt of the petition, the Board will either deny the petition in writing, stating its reasons for the denial, or initiate proceedings to effect the requested action.

Sec. 20-187-20. Rule Making Procedure. Proceedings for the issuance, amendment, or repeal of a regulation may be initiated by the Board on its own initiative or pursuant to a petition submitted by an interested person. The procedure used for the issuance, amendment, or repeal of a regulation shall be as prescribed in sections 4-168 through 4-172 of the Connecticut General Statutes.

For Office Use Only: Check _____ TS #: _____ Eval. 1: _____ Eval. 2: _____
Let. 1: _____ Let. 2: _____ Let. 3: _____ Trans.: _____ PES: _____

STATE OF CONNECTICUT DEPARTMENT OF HEALTH SERVICES
DIVISION OF MEDICAL QUALITY ASSURANCE

APPLICATION FOR LICENSE TO PRACTICE PSYCHOLOGY

Type of Application: _____ Examination _____ Endorsement _____

Name: _____

First

Middle

Last

Maiden

Home Address: _____

Street

City

State

Zip

Telephone No. (Where you can be reached 8:30-4:30, Monday-Friday): _____

Date of Birth: _____ Social Security No.: _____

List below, in chronological order, all degrees earned.

<u>College/University</u>	<u>Department</u>	<u>Location</u>	<u>Degree</u>	<u>Mo & Year</u>	<u>Major</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Was the college/university of your doctoral program regionally accredited? _____

If Yes, name of accrediting agency? _____

Was your doctoral degree completed through an external degree program? _____

Was your doctoral program APA approved? _____

Have you completed a post-doctoral clinical internship? _____

If Yes, where? _____ Was this internship APA approved? _____

Are you a Diplomate of the American Board of Professional Psychologists? _____

If Yes, please provide a notarized copy of diploma or request that ABPP send a verification letter directly to this department.

Please list other states in which you are now or ever have been licensed:

<u>State</u>	<u>License #</u>	<u>Date Issued</u>

Have you ever had a license suspended or revoked for any reason? _____

Are you currently under investigation or do you have any complaints pending against you in another state? _____

If you are seeking licensure by endorsement, please have the other state(s) where currently licensed send documentation of licensure and a statement of the basis for licensure.

All applicants who have already taken the EPPP exam administered by the Professional Examination Service; must have a score report sent to Connecticut by the Interstate Reporting Service.

Enclosed with this application are two (2) evaluation forms. You must have one (1) form completed by a supervisor familiar with your post-doctoral work experience. If you completed an Internship, your internship supervisor must also complete an evaluation form. In addition to the evaluation, you must also request three (3) letters of recommendation from other individuals familiar with your professional character. All these must be sent directly to this office by the individuals completing them.

--OVER--

Please list the individuals who will be sending in Evaluations and Letters of Recommendation

1. Letter: _____ 4. Evaluation: _____
2. Letter: _____ 5. Evaluation: _____
3. Letter: _____

List in chronological order your positions of employment/internship. In addition, on a separate page, please provide a summary of your activities in each position.

<u>Dates</u>		<u>Agency</u>	<u>Location</u>	<u>Supervisor</u>	<u>Hours/Week</u>
<u>From</u>	<u>To</u>				
<u>Mo. Yr</u>	<u>Mo. Yr.</u>				
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

How many hours of post-doctoral employment/internship have you completed, to date. _____

If you are taking the exam, do you need accommodation for any handicapping condition? _____

If yes, please explain.

*. * * * * *

Affix a recent passport
type photograph (2½" x 3½")
here.

All of the above statements contained herein
are true and correct to the best of my
knowledge and belief.

(Affix notary seal here.
A portion of notary seal
must overlap photograph.)

Signature of Applicant

Date

State of _____
County of _____ ss.

On this _____ day of _____ 19 _____,
(applicant's name)

personally appeared before me, who being duly sworn says that she/he is the person referred
to in the foregoing application and that the photograph attached hereto is a true picture
of _____ self and that the statements made herein are true in every respect.

Signature of Applicant

Sworn to before me this _____ day of _____ 19 _____.

Signature of Notary Public

My Commission expires _____.

Please return this application, required documents, and fee to: CT Department of Health
Services, Division of Medical Quality Assurance, Psychology Licensure, 150 Washington St.
Hartford, CT 06106.

The next exam is: 4-11-86

All applications and documentation must be received by: 2-1-86

POST-DOCTORAL WORK EXPERIENCE

PSYCHOLOGIST EVALUATION FORM

Evaluation form concerning work experience to be completed by psychologist who supervised the candidate's postdoctoral work experience or internship.

Name of Candidate _____

Name and address of agency where experience was gained: _____

Name, title and address of supervisor: _____

Are you a licensed psychologist? _____ If not, what is your professional background? _____

What is your area of specialization in the general field of Psychology? _____
Highest earned degree: _____

Check any below:

Licensed (certified) psychologist: _____
Yes _____ No _____ State _____

A.P.A. _____
Member _____ Fellow _____ None _____

ABPP Diplomate: _____
Yes _____ No _____ Area _____

Other credentials: _____

What are the dates of employment/internship covered by this evaluation:
Number of weeks per year: _____ Number of hours per week: _____
From _____ to _____
Month Day Year Month Day Year

Were you a regular staff member of the organization where the candidate worked?
Yes _____ No _____ If "no", explain your relationship to the organization. _____

Indicate the approximate frequency and amount of time devoted by you to consultation and discussion in face-to-face contact with the candidate regarding this experience: Time per week _____ Frequency per week _____

Please write your evaluation of the candidate on the reverse side concerning the following:
(1) Candidate's competence as a psychologist in his/her area of specialization. (2) Candidate's possession and utilization of professional knowledge and skill which would enable him/her to function independently in offering service to the public. (3) Adherence to ethical standards.

Date _____ Evaluator's Signature _____

This completed form must be returned directly to the Secretary, Board of Examiners of Psychologists, 150 Washington St., Hartford, Ct. 06106

PRE-DOCTORAL INTERNSHIP
PSYCHOLOGIST EVALUATION FORM

Evaluation form concerning work experience to be completed by psychologist who supervised the candidate's postdoctoral work experience or internship.

Name of Candidate _____

Name and address of agency where experience was gained: _____

Name, title and address of supervisor: _____

Are you a licensed psychologist? _____ If not, what is your professional background? _____

What is your area of specialization in the general field of Psychology? _____
Highest earned degree: _____

Check any below:

Licensed (certified) psychologist: _____
Yes _____ No _____ State _____

A.P.A. _____
Member _____ Fellow _____ None _____

ABPP Diplomate: _____
Yes _____ No _____ Area _____

Other credentials: _____

What are the dates of employment/internship covered by this evaluation:
Number of weeks per year: _____ Number of hours per week: _____
From _____ to _____
Month Day Year Month Day Year

Were you a regular staff member of the organization where the candidate worked?
Yes _____ No _____ If "no", explain your relationship to the organization. _____

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Date _____ Evaluator's Signature _____

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Alaska State Legislature

SB251

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

March 26, 1986

Edwin M. Grijalva, President
Native American Indian Foundation
P.O. Box 908
Cordova, AK 99574

Dear Edwin:

Thank you for contacting me to express your views on SB 251, relating to the practice of psychology.

SB 251 received the approval of the Senate Committee on Health, Education and Social Services on March 18. I have enclosed a copy of the bill and letter of intent for your information. You'll note that the bill deletes reference to "APA approval." Program approval for the purposes of licensure will instead be based on standards adopted by the Psychology Board. SB 251 requires that these standards be in the form of regulations, which ensures that public input on them will be allowed. The letter of intent suggests criteria for program standards.

Again, thank you for sharing your views. I assure you the bill does have my support.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bettye".

Bettye Fahrenkamp
Chairman

BF/ss
Enclosures

Gov. aide takes home concerns

Paul Quesnel, special assistant to Governor Bill Sheffield, was in Cordova during the Iceworm weekend, not just to enjoy the festival, but to gather the concerns of the community for the information and possible action of the governor's office.

Quesnel said this week that local hire, Permanent Fund Dividend problems, and the passage of Senate Bill 251 headed the list of public concerns expressed by Cordovans.

Townpeople, he said, were disappointed in the perceived lack of local hire by the contractors working on the new Cordova Community Hospital. Quesnel said that the resolution of that problem, and similar conflicts in the future, is up to the community itself. Even if an Alaska resident hire law is passed by the legislature, and stands up to judicial scrutiny, it will not prevent out-of-town workers from coming to work on Cordova projects.

Proponents of local hire, he said, should talk with the city council and administration and encourage them to use local people on public projects. It is smart business and to everyone's

benefit for Cordovans to be hired, Quesnel said.

The governor's assistant said he was asked to help resolve problems some local residents had with receiving their Permanent Fund Dividend checks. The governor, Quesnel said, is a very strong advocate of the dividend program, as are most Alaskans. Though Sheffield campaigned on a platform that included doing away with the dividend program, Quesnel said, he changed his mind when he realized how much the dividend was wanted and needed.

Quesnel said a number of people shared a concern for the passage of SB 251, a bill that would change the licensing regulations for psychologists in the state of Alaska. The bill was instigated last year by Cordovan Bob Arvidson.

The Senate bill, Quesnel said, has no companion piece in the

State House. He also said the state Psychology Board has no position on the bill.

In other areas of concern, Quesnel said someone asked him about the potential for state control of the sea otter population in Prince William Sound and on the Copper River flats. He said she was concerned about the population being too big and "eating up" the money being put into aquaculture.

Quesnel visited the Cordova Extension of the Prince William Sound Community College, and was told of the college's need for a new and larger space. He also visited the Mental Health and Alcohol Clinic and talked about the community problem with alcohol and drug abuse.

The governor has asked Quesnel to visit Cordova once a month, and the assistant said he will return in the first week of March.



March 4, 1986

Native American Indian Foundation
P.O. Box 908
Cordova, Alaska 99574

Senate HESS Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Letter p 32

RE: CSSB 251-HESS, Work draft.

Dear Senators:

Last month I noticed a reference to SB 251 in the February 13, 1986 edition of The Cordova Times. Now, a copy of the work draft of your committee substitute for this bill has crossed my desk. Please add my name to the list of supporters for this necessary piece of legislation.

As a former Californian, and as one who has worked extensively in the public health field, I can certainly appreciate the need for this bill. As a former navy corpsman (24 years) and a graduate of the University of California, Berkeley, School of Public Health (MPH), I readily appreciate the potential for the enhancement of public health inherent in SB 251.

It is generally accepted that the majority of human ailments have no known organic causation; thus, there should be considerable focus on psychological etiology and psychological/behavioral forms of intervention.

From a public health perspective, the above approach is only possible when a society encourages the development of innovative and progressive mental health preventive programs and delivery services. I firmly believe that SB 251 will help Alaska achieve some of these goals. It is my opinion that the psychology statutes need revision and SB 251 should be given high priority by the committee and the legislature.

I am enclosing a copy of the Times' article for the committee's review.

Sincerely yours,


Edwin M. Grijalva, MPH
President and Chairman

Enclosure

EMG/kb

MAR 6 1986

March 3, 1986

1689 C Street
Suite 211
Anchorage, Alaska 99501

Senate Health, Education and Social Services Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Bettye M. Fahrenkamp:

I am writing in support of SB #251, An act relating to regulation of the practice of psychology.

I am a counselor in private practice in the Anchorage community. I hold a Master's degree from the University of Minnesota, and am currently enrolled in the Union Graduate School pursuing a doctorate in clinical psychology. The revisions that of this bill profoundly influences my current and future practices in Alaska. I ask for your support of this bill.

From my reading and understanding of the bill, two significant changes will be effected which alter the manner by which psychologists are licensed in Alaska. The first significant alteration would allow psychologist-candidates from non-APA approved graduate programs to qualify to sit for the licensing examination. At present, the licensing board is restrictive in that it only admits applicants for licensure to those who are graduates from APA-approved schools. This has excludes qualified applicants from being considered for licensure.

I emigrated here from Minnesota where the licensing board for psychologists was more liberal in its interpretation of qualified applicants. Applicants from non-APA approved programs would be considered if the program contained sufficient coursework and application for the graduate to practice as a psychologist.

Case-in-point: Graduates from the doctoral program in Family Social Science at the University of Minnesota are permitted to sit for the psychologist's licensing examination in the State of Minnesota; the program is not APA-approved.

The fact that Alaska does not have a doctoral program in clinical psychology significantly limits the options open to one who practices psychotherapy in the state. Either the practitioner must absent himself from the state for several years to study at an APA-approved program, or affiliate with a licensed psychologist so as to meet the stipulations of the insurance carriers/State licensing board. There are "non-campus" programs that are accredited by regional accreditation agencies that permit residents of Alaska to remain in-state while studying for a doctorate in clinical psychology. However the current licensing regulations of the State Board of Psychologists does not recognize the legitimacy of these institutions. Several states do recognize these accredited institutions, and allow their graduates to sit for the psychologist's licensing examination.

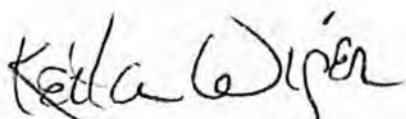
Case in point: The Union Graduate School is a non-campus program accredited by the North Central Regional Accrediting Agency. Several of its graduates in psychology have qualified for licensure as psychologists in other states (California, Florida, Michigan, etc.). Alaska refuses to recognize Union graduates in psychology, as the school is not APA-approved.

The second primary change of S.F. 251 effects the powers of psychological associates. At present, psychological associates are required to be supervised by a licensed psychologist for an indefinite period. This bill would allow Master's level practitioners to qualify for "non-supervisory" status after five years of supervision, and endorsement by licensed psychologists. I support this provision in the bill; I suggest that endorsement by at least three licensed psychologists be stipulated in allowing the associate to practice independently.

The provisions of this bill influence even more significantly those practitioners from the outlying areas of the State. The paucity of licensed psychologists in the non-city areas of the State make it extremely difficult for clients to be reimbursed by their insurance companies, and discourages Master's level practitioners to establish themselves in such communities. The bill would relieve some of the duress under which Master's level practitioners now operate.

I appreciate your consideration of my views, and look forward to your support of this bill.

Sincerely,


Keith Wiger, M.A.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 251

Title: Relating to regulation of the practice of psychology

Sponsor: Sen. Kertulla & Josephs

Requestor: _____

Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.

Program Category Affected: _____

Consumer Protection

BRU, Program or Subprogram(s) Affected: _____

Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						

REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Jennifer Strickler, Mgmt Analyst Phone: 465-2144

Division: Occupational Licensing

Date: 4-8-85

Approved by Commissioner: Loren H. Lounsbury

Agency: Commerce and Economic Development

Date: 4/10/85

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

7/1/84

A PERFORMANCE REVIEW OF THE
BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS

August 12, 1981

Audit Control Number
08-121-1054-R

Commissioner, Department of Commerce and Economic Development	Charles R. Webber

Deputy Commissioner, Department of Commerce and Economic Development, Acting	Lois Cook

Deputy Commissioner, Department of Commerce and Economic Development	Vacant

Members of the Board of Psychologist
and Psychological Associate Examiners

Chairperson	Pam Delys-Baglien, Ph.D
Member	Dorothy Whitmore, Ed.D
Member	James Greenough, Ph.D
Member	Paul E. Turner, Ph.D
Member	Charles C. Bovee, Ed.D

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

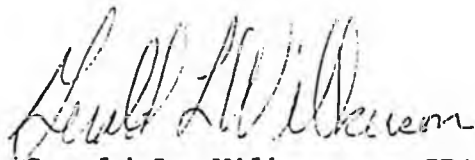
August 12, 1981

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the
Alaska Statutes, the attached report is submitted for your
review.

A PERFORMANCE REVIEW OF THE BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS

August 12, 1981



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (Sunset legislation), a review of the Board of Psychologist and Psychological Associate Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Psychologist and Psychological Associate Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1982, but will continue until June 30, 1983, for the purpose of concluding its affairs.

Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

1. Applicable statutes and Board regulations.
2. Interviews with Board members.
3. Interviews with health agencies and professional associations.
4. Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development.
5. Interviews with OL employees.
6. Complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, and the Equal Employment Opportunity Office.
7. Review of other states' licensing requirements.

ORGANIZATION AND FUNCTION

The Board of Psychologist and Psychological Associate Examiners (PPAE) was established under the provisions of Title 8 Chapter 86 of the Alaska Statutes. The Board consists of four licensed psychologists and one public member appointed by the Governor and approved by the Legislature.

The Board regulates licensed psychologists and psychological associates in the State. A psychologist is licensed to use psychological principles, methods and procedures for the treatment of emotional and mental disorders. A psychological associate is licensed to perform psychological services under the supervision of a licensed psychologist.

The Board's duties are basically the following:

1. Examining and issuing licenses to qualified applicants.
2. Establishing or amending rules and regulations necessary and desirable to enforce State statutes.
3. Holding hearings in order to revoke or suspend the license of a person violating the psychologist and psychological associate statutes and regulations.

An applicant may be licensed by passing an exam given by the Board or by credentials. For credentials, an applicant must provide proof of licensure by another authority with equal licensing requirements.

In order to qualify for licensure as a psychologist by examination, an applicant must pass a written examination, have a doctorate and one year of experience. The examination is composed of two parts: an objective national examination composed by the Professional Examination Service (PES) and an essay examination composed by the Board.

Psychological associates may qualify for the examination if they have three years supervised experienced after obtaining a Master's Degree.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these decisions, the legislative oversight committees should consider the findings and alternatives presented in this report so that the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the continuation of the Board and the licensing of psychologists and psychological associates is not necessary to protect the public's health, safety and welfare. The Board's performance has not always been in the public's best interest. Two prior audit reports dated August 5, 1975, and October 31, 1978, show that the Board had been unnecessarily restricting the licensing of qualified psychologists and psychological associates in the State. These conditions still exist (see Recommendation No. 1).

In the event that the Board is reestablished, certain changes need to be implemented in order for the Board to more effectively serve the public. A statutory change should be considered which will increase the number of public members on the Board and allow the public to be better represented (see Prior Audit Recommendation No. 1).

Legislation should be introduced which clarifies the jurisdiction of the Board. The Board has not established regulations defining which professions are exempt from Title 8 Chapter 86 of the Alaska Statutes. The lack of regulations has caused confusion as to which professions are covered by the statutes (see Recommendation No. 2).

Legislation needs to be introduced to change the licensing statutes of psychological associates (PA's). The statutes should be changed to encourage additional qualified applicants to apply and become licensed in the State without lowering the quality of services provided by PA's (see Prior Audit Recommendation No. 8).

The Board should consistently apply statutory licensing criteria to all applicants (see Prior Audit Recommendation No. 2). The Board needs to openly conduct its meetings and provide documentation supporting its deliberations and

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The Board should consistently apply statutory licensing criteria to all applicants (see Prior Audit Recommendation No. 2). The Board needs to openly conduct its meetings and provide documentation supporting its deliberations and

decisions (see Prior Audit Recommendation No. 3). The Board should develop a test manual and consistently grade the examination given to license applicants (see Prior Audit Recommendation No. 7).

The Board needs to establish regulations which specifically define the conditions in which a licensed psychologist may be restricted to a speciality (see Prior Audit Recommendation No. 6). Also, the Board needs to develop regulations defining the type of continued competency required before a psychologist's license is renewed (see Prior Audit Recommendation No. 9).

The Division of Occupational Licensing should develop a procedures manual for the licensing examiner supporting the Board (see Prior Audit Recommendation No. 11).

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Psychologist and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

The Board has had a long history of not always operating in the public's best interest. Two reports by the Division of Legislative Audit dated August 5, 1975, and October 31, 1978, found that the Board has been unnecessarily restricting the licensing of qualified psychologists and psychological associates in the State. Several times the Attorney General has had to intervene and strongly advise the Board to halt these practices. Other reports by different organizations supported these findings.

We have reviewed the Board's performance since 1978 and conclude that past conditions still exist. The following has been left unresolved by the Board.

1. The Board has continued to be inconsistent in approving applicants to take the Board's examination and in licensing psychologists and psychological associates (see Prior Audit Recommendation No. 2).
2. The Board has continued to conduct its deliberations in secrecy (see Prior Audit Recommendation No. 3).
3. The Board has proposed and supported statutory changes which have unnecessarily restricted the licensing and practice of psychological associates and decreased the representation of the public on the Board (see Prior Audit Recommendations No. 1 and No. 8).
4. The Board has not passed or developed regulations establishing specialty designations for psychologists and psychological associates and requiring proof of continued competency before a license is renewed. Both types of regulations are required by AS 08.86.070 (see Prior Audit Recommendations No. 8 and No. 9).
5. The Board has inconsistently graded the essay examination. In addition, the records of applicants' grades are confusing, unorganized, and inaccurate (see Prior Audit Recommendations No. 2 and No. 7).

In our opinion, the Board's performance has not always been in the public's best interest. These actions not only discourage qualified applicants from attempting to become

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licensed in the State, but also harm the public by artificially creating shortages of mental health practitioners. These shortages tend to increase the costs of mental health services in the State.

In our prior audit dated October 31, 1978, we recommended that if the Board continues to inconsistently apply the statutes, the Board's licensing function should be transferred to the Department of Commerce and Economic Development.

However, we believe that the intent of Sunset legislation is to reduce government control and interference over the public. The Alaska statutes broadly define who is to be licensed to practice psychology. The Board has not established regulations to better identify those professions who are covered by the statutes or to give guidance to those who are exempt. We found no evidence after reviewing complaints filed against those practicing psychology in the State that the public would be harmed by not licensing psychologists. The Board has never revoked or suspended a license and the violations filed with the Board have been minor in nature. Therefore, we recommend that the State eliminate licensing of psychologists and psychological associates and allow the profession and other legal remedies to regulate and discipline the practice of psychology (see Recommendation No. 2).

Other alternatives to the above recommendation would include terminating the Board and allow the Department of Commerce and Economic Development to certify qualified applicants. This approach to licensing would allow only qualified applicants to use the title "psychologist" or "psychological associate". However this would not prohibit other persons from practicing psychology (see Recommendation No. 2). Another option would be registration. In this case, all persons who practice psychology must register with the State. However, they do not need to meet minimum educational or experience requirements or be required to pass an examination.

Another alternative would be to require that professionals must have a minimum amount of malpractice insurance before being allowed to practice psychology. The insurance companies would then be responsible for establishing the minimum licensing requirements for psychologists. The Department of Commerce could keep a register of those qualified persons.

If the Board is not terminated and the licensing functions are not discontinued, then the following should be implemented.

Recommendation No. 2

Legislation should be introduced which clarifies the jurisdiction of the Board.

The statutes which govern the Board (AS 08.86) prohibit any person, unless they are licensed or exempt, to practice psychology in the State. They also allow the Board to establish regulations defining which professions are exempt and under what conditions those exempt must operate. The Board has not done so and has caused confusion as to which professions are covered by the statutes.

AS 08.86.180 states that a person working for a governmental unit, educational unit, or private agency is exempt if she/he is under "appropriate supervision". In a memorandum dated February 9, 1976, sent from an Assistant Attorney General to both the Department of Health and Social Services and the then chairman of the Board, it was explained that "appropriate supervision" was too vague and required further definition by the Board through adoption of a regulation.

The memorandum also pointed out the need for the Board to adopt regulations defining its jurisdiction over other professions. The psychology statutes were changed in 1980. However, questions have again been raised as to who is covered under the psychology statutes. The National Association of Social Workers (NASW) sent a letter to the Board in March 1981 requesting that a resolution be passed saying that it was not the intent of the Board to regulate the practice of social workers. The Board passed a resolution only saying that they supported the licensure of NASW.

Due to the confusion that has arisen over the Board's jurisdiction and the lack of regulations clarifying this issue, legislation should be introduced specifying who is covered by the statutes. We suggest that the legislation allow anyone to practice psychology, but require that certain requirements be met before a qualified applicant can use the title "psychologist". This would effectively change the regulation process from licensing to certifying psychologists.

PRIOR AUDIT RECOMMENDATIONS

Three of the eleven recommendations presented to the Board in a previous audit report "A Performance Review of the Board of Psychologist and Psychological Associate Examiners, October 31, 1978", have been implemented. The following is the status of the remaining recommendations:

Prior Audit Recommendation No. 1

A statutory change should be considered which will increase the number of public members on the Board and allow the public to be represented.

Prior to June 5, 1980, the Board was composed of three psychologists and two public members. In questionnaires returned by State licensed psychologists, 39% of the respondents believed that the Board had not operated in the public's best interest.

The Board had been inconsistently licensing applicants even though an Attorney General's opinion and a prior Division of Legislative Audit report, dated August 5, 1975, noted prior inconsistencies and made recommendations to change these practices. Also, the Board had been conducting its meetings and making its deliberations in secrecy. Such actions not only exposed the State to lawsuits, but also threaten recruiting efforts of State mental health institutions for qualified psychologists and counselors.

Legislative Audit's Current Position

With the enactment of Chapter 58 SLA 1980, the Board is now composed of four psychologists and one public member. The public member has a doctorate in counselor education, a strong background in psychology and is a member of the American Psychological Association. While this is not a violation of the statutes, it contradicts the spirit of the law requiring public members.

The Board continues to have the problems noted above. We have found inconsistencies in granting of licenses, approving applicants to take the examination, and in the testing of applicants (see Prior Audit Recommendation No. 2). In addition, the Board has continued to conduct its meetings and making its decisions in secrecy (see Prior Audit Recommendation No. 3).

If Recommendation No. 1 is not implemented, then we recommend that the Board be composed of a majority of public members to help ensure that the Board acts in the public's best interest.

Prior Audit Recommendation No. 2

The Board of Psychologist and Psychological Associate Examiners should consistently apply statutory licensing criteria to all applicants.

In a prior Division of Legislative Audit report dated August 5, 1975, it was found that the provisions of AS 08.86, outlining the required qualifications for licensure of psychologists and psychological associates, had not been consistently applied by the Board. A review of available records filed from 1975 to 1978, indicated that this condition still existed.

Psychology regulations have been proposed but have not become effective as of September 30, 1978. Effective regulations will help guide the Board to consistently license qualified applicants. However, if regulations are not promptly implemented, then it is recommended that legislation be introduced to clarify AS 08.36.130(3).

Legislative Audit's Current Position

Although the Board adopted regulations in December 1978, a review of records since 1978 shows that the Board has continued to be inconsistent in licensing qualified applicants, approving applicants to take the examination and in grading the examination.

For example, the Board approved the qualifications of an applicant to take the examination for psychological associates. However, at the next meeting, the Board ordered the license examiner from the Division of Occupational Licensing after meeting in executive session to write a letter explaining what the Board had decided about the applicant's qualifications (see Prior Audit Recommendation No. 3). The letter explained that the Board had decided that the applicant was not qualified because of the lack of three years of experience. Documentation in the applicant's file showed that she had over six years of experience.

An applicant was licensed as a psychological associate (PA) without substantial evidence of a Master's Degree. Other licensed PA's were required to submit college transcripts as evidence.

Another applicant was denied the opportunity to take the examination because he had not submitted all the required information for licensure. However, two other applicants were allowed to take the examination pending receipt of the same type of information.

According to the Board's minutes, an applicant was required to retake the national psychology examination (PES) because:

1. Although the applicant's scores were above Alaska's standards for passing, they were not passing in the state where the examination was taken.
2. The applicant's scores were three years old.

Records show the applicant's scores were only two years old when received. In addition, Board regulations stated that a score of 75 standard deviation below the national mean is passing. The Board had accepted other applicants' examination scores from other states.

An applicant who took the essay test given in October 1980 received an average score of 59% and was given a passing grade. The minimum passing scores in prior examinations was 60%. Two applicants failed the essay test in April 1980 with scores of 50.6% and 51.8%.

An applicant was required to be retested with the entire essay examination in 1979 when the applicant failed only a section. Another applicant was required six months before to take only part of the essay examination that the applicant failed.

In conclusion the Board needs to consistently apply the licensing and testing requirements. We confirm our prior recommendation.

Prior Audit Recommendation No. 3

The Board should openly conduct its meetings and provide documentation supporting its deliberations and decisions.

The Board was found to be conducting its deliberations and parts of its meetings in secrecy. In addition, there was insufficient documentation to identify its decisions. Ambiguous minutes and lack of documentation in the files have caused licensing problems.

AS 44.62.312(a)(2) states:

"It is the policy of the State that it is the intent of the law that actions of those units (governmental units) be taken openly and that their deliberations be conducted openly."

This statute covers all meetings of a board and, therefore, should be strictly adhered to. Without compliance, the Board gives the impression that the decision making process is not for public knowledge. Also, it is difficult for

Board members and others to determine and trace the reasons for prior Board decisions without proper documentation.

Legislative Audit's Current Position

While there has been improvement in the documentation of the license files, the Board is continuing to deliberate in secrecy. They meet often in executive session and the minutes do not adequately explain why or what the Board decided. Such actions give the impression that the Board does not wish the public to be involved and aware of its decisions.

During our review of the Board's minutes, we found that the Board used executive session to:

1. Consider the grading procedures to be used for an examination after the examination was given.
2. Consider applicants for licensure.
3. Consider the status of investigations.

The essay examination given by the Board has had problems with its procedures (see Prior Audit Recommendation No. 7). However, no confidential information would have been exposed if the Board's deliberations about these procedures would have been open to the public.

In its recent meetings, the Board identified that it used executive session in reviewing applications and investigations in accordance with AS 44.62.310(c)(2). The statute allows use of executive sessions when discussions of subjects may tend to prejudice the reputation and character of individuals. However, the Board has at times held open meetings to discuss similar subjects. Also, none of these reviews should include prejudicial information. For instance, the investigative reports do not include names in order to protect the Board's impartiality when they may later have to hold an investigative hearing. The discussion of applicants' qualifications for licensure should be limited only to those attributes specified by statute or regulation. We found no evidence that demonstrated that prejudicial information was being or should have been discussed in those meetings.

If the Board uses executive session, it should ensure that the minutes accurately identify decisions and reasons for their decisions after the meeting is opened. During the March 1981 meeting, the Board directed the license examiner to write a letter to three applicants regarding their application status. Because the Board discussed these applications

in executive session, there was no other formal record of the Board's decisions regarding those applicants. A letter to one of the applicants said that the Board decided not to allow the applicant to take the examination because the applicant did not have the required number of years of experience. A review of the applicants' records show that the applicant had twice the required number of years of experience.

The minutes also need to better identify Board discussions and which members voted for or against a resolution. They should also include any letters or correspondence which are specifically mentioned in the minutes. During the July 1980 meeting, the minutes recorded that an individual in a letter accused the Board of instituting unwritten licensing policies. The letter was to be included with the minutes in the appendix. However, the official minutes filed with the Department of Commerce and Economic Development do not include the letter. We have been unable to obtain a copy from other sources.

The Board held a conference call meeting in April 1981 for an hour. During this time, the Board discussed important changes to their regulations. The minutes did not identify any of the discussion and summarized the meeting in only sixty words. They also did not identify how individual members voted on the resolution.

Although the license examiner for the Department of Commerce and Economic Development takes the minutes, the Board is responsible for them. Board minutes are the official public record of all proceedings of a meeting and the only means a board has to formally state its actions. These actions and deliberations should be conducted in the open and within the public's scrutiny. Therefore, we confirm our prior recommendation.

Prior Audit Recommendation No. 6

The Board should develop a more aggressive investigation policy by establishing clear regulations for licensing violations and by promptly filing complaints against those practitioners who violate the law.

There were at least four unlicensed practitioners in Alaska who may have been advertising and practicing psychology or counseling in violation of AS 08.86.180 and AS 08.86.185. In addition, several licensed psychologists expressed concern in a Legislative Audit questionnaire that psychologists educated in areas other than clinical psychology may obtain a license and practice clinical psychology without being qualified to do so.

AS 08.86.220 allowed the Board to restrict the practice of a licensed psychologist by specialty, upon a finding that there is a demonstrated problem with competence, experience, education or health. However, according to investigative files and Board meeting minutes, the Board had never sought to do so. Nor had it composed regulations to provide guidance in this investigative area.

Legislative Audit's Current Position

The Board has been doing a better job in filing complaints against unlicensed practitioners. However, we still found a number of counselors practicing without a license. Because of the broad definition of psychology in the statutes and a vague series of exemptions (see Recommendation No. 2), it is unclear whether these persons are in violation of the statute.

The Board has not implemented or established regulations which specifically define under what conditions a licensed psychologist may be restricted to a specialty. We still believe that the Board needs to do so.

Prior Audit Recommendation No. 7

The Board should develop standards and a test manual for the examination given to license applicants.

Several respondents to a Legislative Audit questionnaire sent to licensed psychologists in the State noted that the essay and oral questions were exactly identical. A review of past tests shows that the Board made no marks of grading on the test sheets. In addition, there are no written standard answers or grade sheets with which the Board can properly evaluate and grade applicants' tests. One examinee charged that the examination is unfair.

The Board should follow the American Psychology Association's standards by proposing and implementing regulations and a test manual. Such actions will help the Board treat all applicants in a consistent manner and avoid costly litigations against the Board.

Legislative Audit's Current Position

The Board has made some improvements in its testing. However, problems still exist as evidenced by the following:

1. Grade sheets contained math errors and were left incomplete.

2. Two applicants were given different identification numbers to take the national examination. One applicant did not show to take the examination. However, the Division of Occupational Licensing received grades for the identification number of the no-show. These grades were sent to the other applicant.
3. The Board took four months to process the grades for four applicants tested in October 1980. This processing time could be greatly reduced.
4. Board members are inconsistently grading the essay examination. We found that for the October 1980 examination, grades computed separately by two Board members for an applicant varied by 34 points. One member scored the examination as 52%. Another member grading the same paper scored it as an 86%. The official score given to an applicant is calculated by averaging the four Board members grades. This score could be skewed by a large difference in two members scores such as in the above example.
5. A Board member forgot to grade a question in the October 1980 examination. The question had a value of as much as 15 points.

The Ombudsman's Office has reviewed two complaints against the Board for delays in grading the examination. In addition, the office received another complaint in 1980 concerning ambiguous exam instructions. The complaint was later withdrawn since the complainant was allowed to retake the examination.

We found that the questions on the essay examination are similar to the topics covered on the standard national examination. Because of the similarity and the problems experienced with the essay examination, we suggest that the Board consider dropping the essay portion. In any case, we concur with our prior recommendation and recommend that a test manual be developed.

Prior Audit Recommendation No. 8

Legislation should be introduced to change licensing statutes for psychological associates in order to encourage more qualified applicants to apply and become licensed in the State.

As of September 30, 1978, there were only three licensed psychological associates (PA) in the State. Other psychological associates who were statutorily exempt from being licensed

may also have been practicing in the State. However from 1975 to 1978, at least two applicants were denied licensure because of the licensing requirements. Others may have been discouraged from applying.

Legislative Audit's Current Position

Chapter 58 SLA 80 made the following significant changes to the licensing requirements for PA's in 1980.

1. A qualified applicant for a PA's license must have three years postgraduate experience after obtaining a Master's Degree. The prior statutory requirement that applicants must have two years of Alaskan experience was deleted.
2. In order to practice as a PA, a licensee must be supervised by a licensed psychologist.
3. The duties that PA's may perform within the State were expanded. However, the statutes require that the Board restrict the practice of PA's to a speciality and identify the speciality on the license. The Board has not complied with all the statutes.

The licensing requirements now in effect are more restrictive than the prior statutes. Since the enactment of Chapter 58 an applicant has already been denied by the Board to take the PA examination due to his lack of three years of experience. He would have been eligible under the old statutory requirements.

There are eighteen other states which issue licenses to applicants with Master's Degrees. In a comparison of these states' licensing requirements, we found:

1. Nine of 13 states (69%) which issue psychological associate licenses similar to Alaska, require that applicants have one year or less of postgraduate experience before being qualified.
2. Five states (Iowa, Minnesota, Missouri, Pennsylvania, and West Virginia) issue psychology licenses to applicants with Master's Degrees. These states require that applicants have more than two years experience (the average is four years). However, they allow licensees to independently practice psychology. Minnesota does require that the licensees meet once a year with a licensed psychologist with a doctoral degree. Also, they license applicants with Master's Degrees by endorsement.

There have never been any complaints filed against PA's in the State. Based on the evidence, we suggest that the statutory licensing requirements be changed to allow PA's to be licensed after one year of postgraduate experience. In addition, they should be allowed to practice independently within their specialty with an option that for the more complex psychological practices, supervision may be required. An alternative would be to allow applicants with Master's Degrees and four years of experience to be licensed as psychologists. Also we suggest that the Board be allowed to license PA's and/or psychologists with Master's Degrees by endorsement.

Prior Audit Recommendation No. 9

Legislation should be introduced requiring continuing education for psychologists and psychological associates.

A program of continuing education will assist in avoiding professional obsolescence and keep practitioners aware of changes taking place in the profession. Twenty-two of 28 psychologists responded to a Legislative Audit questionnaire that they believed continuing education should be required for their profession. In addition, the American Psychology Association endorsed the concept and had determined that 11 states required it.

Legislative Audit's Current Position

Chapter 58 SLA 1980 in part states: "The Board shall adopt regulations requiring proof of continued competency before a license is renewed." As of May 15, 1981, the Board has not held hearings on nor adopted continued competency regulations. However, they have discussed the need for these regulations in their meetings. We encourage them to begin the process of adopting regulations as soon as possible.

Prior Audit Recommendation No. 11

The Division of Occupational Licensing should develop a procedures manual for the licensing examiner supporting the Board.

In 1978 the licensing examiner supporting the Board had no procedures manual with which to guide his/her actions. There have been five license examiners for the Board from 1976 to 1978. With this high turnover, it is necessary that there are standard guidelines to help new and old employees.

Legislative Audit's Current Position

A formal procedure manual to guide the licensing examiner for the Board has not been developed.

We believe that the Board should give the license examiner written instructions about Board activities and the Division of Occupational Licensing should incorporate these instructions with a formal procedures manual. This will help ensure that the Board's minutes are accurate and complete (see Prior Audit Recommendation No. 3) and possibly decrease the amount of time it takes for examinations to be processed and grades sent to applicants (see Prior Audit Recommendation No. 7).

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative attainments as Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be comprehensive in nature, but address those areas we were able to cover within the scope of our review.

I. The extent to which the board, commission or program has operated in the public interest.

1. The following areas demonstrate the extent to which the Board has operated in the public's best interest.
 - A. The Board has held public hearings to update its regulations concerning application forms, supervision over PA's, licensure by endorsement, examination grades, competency requirements for psychologists and PA's, and the requirement for confidentiality of information obtained by psychologists in their practice.
 - B. The Board has developed goals and objectives. In 1980, the Board accomplished three of seven objectives. Those accomplished include:
 - (1) Support legislation requiring continuing education for relicensure.
 - (2) Clarify the role of the Board in the investigative process.
 - (3) Introduce legislation to repeal the two-year residency requirement for PA's.
 - C. The Board has updated its application forms.
2. The following areas demonstrate the extent to which the Board has not operated in the public's best interest.
 - A. The Board needs to be consistent in approving qualified applicants to take the examination and in licensing psychologists and psychological associates (see Prior Audit Recommendation No. 2).

- B. The Board needs to discontinue its practice of deliberating in secrecy (see Prior Audit Recommendation No. 3).
- C. The Board needs to develop regulations establishing specialty designations for psychologists and psychological associates and regulations defining the type of continued competency before a license is renewed. Both are required by AS 08.86.070 (see Prior Audit Recommendations No. 6, No. 8 and No. 9).
- D. The Board needs to develop a test manual and consistently grade the examination given to license applicants (see Prior Audit Recommendations No. 2 and No. 7).
- E. According to Board minutes, it took over one year for the Board to comply with an agreement that the Attorney General's office made with an applicant improperly denied a license. The applicant had filed an administrative complaint against the Board alleging that the Board had violated due process requirements in denying the applicant's licensure. Our prior audit report dated October 31, 1978 recommended that the Board comply with the Attorney General's advice. The Board did comply in October 1979. Lengthy delays in complying with the advice from the Attorney General exposes the State to litigation proceedings.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

- 1. The jurisdiction of the Board needs to be clarified to identify which professions are to be regulated by the Board (see Recommendation No. 2). The lack of specific statutory guidelines has caused confusion among other professions as to whether their practice is covered by Title 8 Chapter 86 of the Alaska Statutes.

2. The Division of Occupational Licensing needs to develop a procedures manual for the license examiner with the help of the Board. A manual may help improve the quality of the Board minutes and the processing time for grading examinations (see Prior Audit Recommendation No. 11).

III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

1. The Board recommended that continuing education be a requirement for relicensure and that the two year Alaska experience requirement for psychological associates be removed. These were implemented by Chapter 58 SLA 1980 (see Prior Audit Recommendations No. 8 and No. 9).
2. The Board has resolved to recommend that the term "psychotherapy" be excluded from the definition of "to practice psychology." This would allow social workers to use this practice and not be regulated by the Board.
3. The Board proposed and supported statutory changes for the following:
 - A. The composition of the Board was changed from three psychologists and two public members to four psychologists and one public member
 - B. The statutory responsibilities for PA's were expanded. However, the licensing requirements were made more restrictive. In addition, a licensed PA is now required to practice under the supervision of a psychologist.

In our opinion, these statutory changes, except for the expansion of duties for PA's, are not of benefit to the public interest.

4. According to its minutes, the Board is going to recommend that the initial license fee be decreased from \$200 to \$30. In our opinion, this decrease in fees would not be in the public's best interest because of the Board's current deficit (see Appendix A).

IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service and availability of service which it has provided.

1. We noted no evidence which demonstrates Board encouragement.

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. The following are examples of how the Board has encouraged public participation.
 - A. The Board has held part of its meetings to meet with interested persons.
 - B. The Board, through OL, advertises its meetings, examinations and regulatory changes in newspapers and sends notices to interested parties. This is in compliance with the Administrative Procedures Act.
2. The following are examples of how the Board has discouraged public participation.
 - A. The Board needs to discontinue the practice of holding its meetings in secrecy. Also, it needs to improve the clarity of its Board minutes.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

1. The Office of the Ombudsman has closed eight complaints against the Board since October 1978. Two complaints were about applicants not being issued temporary permits. Those were favorably resolved. A complaint was filed concerning the Board's refusal to comply with an agreement made by the Attorney General's office with an applicant. The Board finally complied a year after the agreement. A complaint was filed about the Board's

refusal to issue a license to an applicant by endorsement proceedings. The complaint was judged as unsupported. A complaint was filed about the Board denying the use of out-of-state psychology test scores for licensing an applicant. The Ombudsman's Office ruled that since the Board had no regulations, it was up to their discretion to accept or reject the scores. And an applicant filed a complaint that the Board's examination instructions were ambiguous. This complaint was withdrawn since the complainant was allowed to retake the test.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

1. Due to problems with statutes, especially in the area of exemptions, it is difficult to tell where the Board's jurisdiction begins and where it ends (see Recommendation No. 2).
2. The Division of Occupational Licensing has closed five cases against individuals for unlicensed activity. There are currently eight cases under investigation, six for unlicensed activity, one for unethical conduct and one for incompetence. We have found no cases which have resulted in hearings, suspension or revocations of licenses.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

1. Psychology and psychological associate applications require unnecessary information such as an applicant's age and picture.

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous sections, recommendations and prior recommendations.

APPENDIXES

APPENDIX A

BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
Fiscal Year 1980
(UNAUDITED)

Average Revenue (see Schedule 1 and Note 1)	\$ 2,650
Expenditures	<u>35,369</u>
Excess of Revenues Over Expenditures	<u>\$(32,719)</u>

Schedule 1
Types of Revenues

<u>Revenues for Psychologists and</u> <u>Psychological Associates</u>	<u>Amount</u>
Application Fee	\$ 25
Examination Fee	\$125
Credential Review Fee	\$125
Initial License Fee	\$200
License Renewal (due every four years)	\$200

Note 1

Most of the psychology revenues are composed of renewal registration fees. These fees in the past were collected once every two years and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in fiscal year 1979 and 1980 in order to obtain an accurate representation of collected revenues.

Note 2

Expenditures include those made by Board members, such as travel and per diem and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts of other departments, such as the Department of Law, that may be assisting the Board and OL.

APPENDIX B
ADMINISTRATIVE STATISTICS

Schedule 1
Number of Licenses

	<u>As of</u> <u>March 6, 1981</u>
Licensed Psychologists	78
Licensed Psychological Associates	<u>9</u>
	<u>87</u>

Schedule 2
Licenses Issued by Fiscal Year

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u> <u>As of</u> <u>March 6, 1981</u>
Psychologists	14	12	15	5
Psychological Associates	<u>-0-</u>	<u>-0-</u>	<u>3</u>	<u>3</u>
<u>Total</u>	<u>14</u>	<u>12</u>	<u>18</u>	<u>8</u>

APPENDIX C
EXAMINATION STATISTICS

	Examination Date									
	<u>10/29/78</u>		<u>04/29/79</u>		<u>10/19/79</u>		<u>04/11/80</u>		<u>10/10/80</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
			(Note 1)							
Failed at least one Section	-0-	-0-	6	60%	3	43%	4	44%	-0-	-0-
Passed	<u>4</u>	<u>100%</u>	<u>4</u>	<u>40%</u>	<u>4</u>	<u>57%</u>	<u>5</u>	<u>56%</u>	<u>6</u>	<u>100%</u>
<u>Total</u>	<u>4</u>	<u>100%</u>	<u>10</u>	<u>100%</u>	<u>7</u>	<u>100%</u>	<u>9</u>	<u>100%</u>	<u>6</u>	<u>100%</u>

Note 1

One person who failed the essay portion of the examination was licensed previous to an out-of-court settlement arranged by the Attorney General's Office due to a complaint filed against the Board.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH D

JUNEAU, ALASKA 99811

Phone: 465-2500

December 2, 1981

RECEIVED

DEC 02 1981

LEGISLATIVE
AUDIT

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

RE: Preliminary Audit: Board of Psychologists and
and Psychological Associate Examiners

Thank you for the opportunity to comment on the August 12, 1981 Preliminary Performance Review of the Board of Psychologists and Psychological Associate Examiners. The following comments address the Performance Review's 10 recommendations.

Recommendation No. 1: The Board of Psychologists and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

Comment: Since the department's research into the justification for and implications of this recommendation are still in progress, it is not possible at this point to agree or disagree with this recommendation. The department is conducting research into the question of certification vs. licensing and remification. Evaluation of the information gathered will form the department's position.

The above recommendation does not address the effect that the elimination of licensure may have on the ability of the public to pay for needed services through third party reimbursement. It would be counterproductive to eliminate regulation if the consequence was to erect an economic barrier which placed services out of the financial reach of the people who need those services.

Recommendation No. 2: Legislation should be introduced which clarifies the jurisdiction of the board.

Comment: The department agrees with the need to clarify the jurisdiction of the board. For reasons stated above, the department cautions against replacing the licensure with certification if it means the elimination of third party reimbursement.

PRIOR AUDIT RECOMMENDATION NO. 1: A statutory change should be considered which will increase the number of public members on the board and allow the public to be represented.

Comment: The department concurs with this recommendation. It should be noted that the number of members and composition of the board should be set with an eye to actual duties and responsibilities. The present legislatively mandated duties of the board (e.g., detailed application review, continuing education, etc.) require a substantial amount of professional time. With proper guidelines the department could accomplish the legislative mandates.

PRIOR AUDIT RECOMMENDATION NO. 2: The Board of Psychologists and Psychological Associate Examiners should consistently apply statutory licensing criteria to all applicants.

Comments: The department concurs with this recommendation.

PRIOR AUDIT RECOMMENDATION NO. 3: The board should openly conduct its meetings and provide documentation supporting its deliberations.

Comments: The department concurs with this recommendation. The department has instructed the board and provided it with legal opinions from the Department of Law concerning the use of "Executive" sessions. Guidance has also been given for conducting open meetings, and the requirements to identify subjects discussed during executive sessions, the requirement of motions and voting only in open sessions. The board was using AS 44.62.310 (c)(2) for agency meetings, public protection of the applicants, and investigative information in the broadest senses.

PRIOR AUDIT RECOMMENDATION NO. 6: The board should develop a more aggressive investigation policy by establishing clear regulations for licensing and by promptly filing complaints against those practitioners who violate the law.

Comment: The department concurs with the need for an aggressive investigation policy and clearer regulations.

PRIOR AUDIT RECOMMENDATION NO. 7: The board should develop standards and a test manual for the examination given to test applicants.

December 2, 1981

Comments: The department concurs with this recommendation. Efforts are underway for evaluation of the presently written essay examination to be reviewed for extensive change. The department has corresponded with professional testing services and various schools with graduate psychology programs for a comprehensive psychology test. We disagree with the present examinations composition and administration. The board is presently re-writing the essay portion of the examination. A test manual will result from this effort.

PRIOR AUDIT RECOMMENDATION NO. 8: Legislation should be introduced to change licensing statutes for psychological associates in order to encourage more qualified applicants to apply and become licensed in the state.

Comment: The department concurs with this recommendation.

PRIOR AUDIT RECOMMENDATION NO. 9: Legislation should be introduced requiring continuing education for psychologists and psychological associates.

Comments: As noted in the narrative accompanying this recommendation, legislation has been passed requiring continuing education as recommended. The board has developed a draft set of regulations which are scheduled for public hearing after January 1, 1982.

Based on the research presently available, we seriously doubt the value of continuing education as a licensing or renewal requirement. In addition, the development and enforcement of continuing education regulations has turned out to be an inordinately burdensome undertaking for the board. Although the department concurs with continuing education requirements a number of concerns develop. The availability of acceptable and recognized programs, the type of acceptable methods (seminars, independent study, tape programs, etc.). The question of transferring cost by providers of the service to the users of the service. Overall we would concur a properly administered and scrutinized program would be beneficial.

PRIOR AUDIT RECOMMENDATION NO. 11: The Division of Occupational Licensing should develop a procedures manual for the licensing examiner supporting the board.

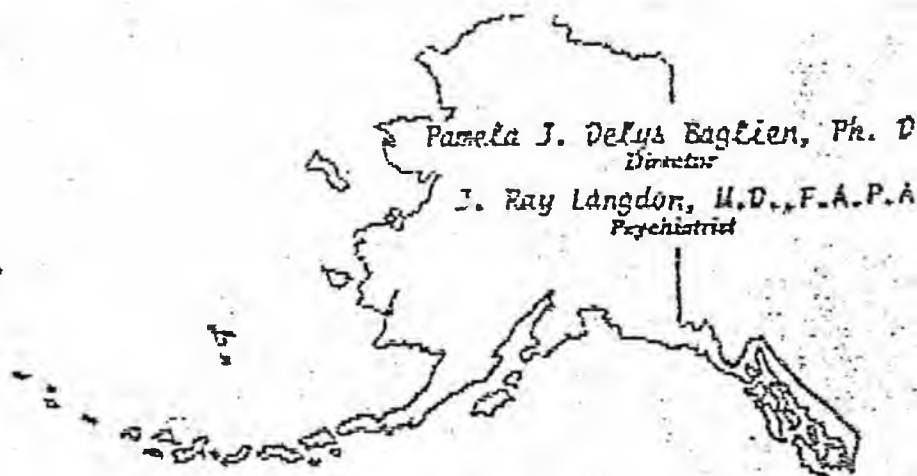
Comment: The department concurs with this recommendation. The staff in the Division of Occupational Licensing is preparing a procedures manual. The manual is approximately half complete and will be completed prior to June 1982.

Sincerely,


Lois J. Cook
Acting Deputy Commissioner

Kodiak Island Mental Health Center

8.



December 15, 1981

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau Ak 99811

RECEIVED

DEC 16 1981

LEGISLATIVE
AUDIT

Dear Mr. Wilkerson,

This letter is in response to your Performance Review of the Board of Psychologist and Psychological Associate Examiners dated August 12, 1981 and received by me on or about December 5, 1981. Since many parts remain the same as in the Interim Letter No. 1 of June 9, 1981 from Dan Allen, I am also including my detailed response to the Interim Letter as part of this response.

I will respond to your findings and recommendations in the order of their presentation.

Recommendation No. 1

The Board of Psychologist and Psychological Associate Examiners should be allowed to terminate and the licensing of psychologists and psychological associates should be discontinued.

In my opinion termination of the Board and discontinuation of licensing would very clearly not be in the best interest of Alaska's consuming public. You neglected to note in your report that the states of Florida and South Dakota both followed that course as a result of their Sunset process. Both of those legislatures reinstated the board procedure at the first opportunity as a result of the difficulties entailed in functioning without professional licensing boards.

Functioning of the Board has increased dramatically in effectiveness during the past two years. The Board most certainly has not approved every individual who has applied for licensure examination and will probably not do so in the future. A number of applicants are not qualified on the basis of training, experience, or character reference to be licensed for practice as psychologists or psychological associates. A few disappointed applicants have constituted a noisy and persistent complaint group; however, a strong duty of the professional Board in protecting the public will always involve licensing on the basis

of careful and critical scrutiny of such matters as training, experience, and character. Refusing licensure on these grounds does not constitute inconsistency even though it sometimes results in a few disgruntled applicants.

Due to the heavy workload required of professional members on the Board an increase in the overall size of the Board was requested. This increase was not allowed; however, one of the public member positions was filled with a professional in order to increase the work force for test development, test scoring, and other jobs requiring professional expertise. The Board would still prefer to see an increase in the Board size in order to receive more public member input.

The Board has concentrated focus on complying meticulously with the open meeting policy while at the same time making every effort to avoid public deliberation which might taint the reputation of individuals. The Board met with a representative of the Department of Law during 1981 specifically for the purpose of clarifying this issue procedurally.

Since the implementation of new regulations, there has been a steady increase in the number of both applications and granted licenses to psychological associates. Regulations for continued competency through continued education have been written and are being processed through hearings and the Department of Law. Psychological associate licenses are now being issued with imprinted specialty areas. A request has been submitted for a minor statute change in this area.

The Board is currently evaluating the possibility of contracting from a professional testing service for the essay portion of the exam in order to further objectify scoring of that portion of the licensing exam.

Recommendation No. 2

Legislation should be introduced which clarifies the jurisdiction of the Board.

Definitions of "appropriate supervision" have been clarified through regulations.

Regulations clarifying the relationship with other professionals have been through hearings and are being processed.

A number of changes have occurred in the past year which facilitate improved Board function. The Division of Occupational Licensing has taken an assertive position about providing improved supportive services to the Board. Board meetings are regularly attended by a regulations specialist, the Division director, and appropriate investigators. Advisors from the Department of Law are available on a regular basis. Communication and working relations between the Board, the Division and the Attorney General's office have been significantly improved through coordination efforts on the part of Mr. Treager's organization.

Improved guidelines and support systems for licensing examiners have been developed by the Board and the Division. This is expected to lower the possibilities of errors in handling applications and test files. The Board is working toward having the total administration and scoring of the tests handled by testing services thus eliminating the possibility of inter-member variance. This process would also eliminate many hours of test related work by professional members and free the entire board for greater refinement of other procedures and for attending to broader issues. It would also make operating with the present, small unpaid Board far more realistic.

A recent meeting of the various Licensing board chairmen sponsored by the Division of Occupational Licensing allowed an opportunity for indepth work among boards and with representatives of legal and investigative branches, as well as the Governor's office. This type of board support on the part of the Division will play a very important part in problem solving of occupational licensing at all levels throughout the state.

I thank you for this opportunity to respond to the Performance Review and look forward to being of assistance to the legislative process again in the future.

Sincerely,

Patricia J. Delys-Eaglen, Ph.D.
Chairman, Board of Psychologists and Psychological
Associate Examiners

CC: Dorothy Whitmore, Ed.D.
James Greenough, Ph.D.
Paul Turner, Ph.D.
Charles Ewee, Ed.D.

Kodiak Island Mental Health Center

8.

Pamela J. Delys Baglier, Ph.D.
Director

J. Ray Langdon, M.D., F.A.P.A.
Psychiatrist

July 7, 1981

Daniel A. Allen, CPA
Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811

Dear Mr. Allen:

Thank you for your call alerting my attention to the Interim Letter No. 1 from the Division of Legislative Audit. As chairman of the Board of Psychologists and Psychological Associate Examiners, I am responding to your letter. The Board will be having a regular meeting in August and review the issues as a body at that time.

As chairperson, I feel you have some valid concerns, most of which the Board shares with you. Others, I feel may be based on missing information or inaccurate information. All in all, I feel strongly that this very small, unpaid board has accomplished a great deal in view of being funded for only three two day meetings per year. The board clearly needs a few more members and more meeting time in order to accomplish all tasks as quickly as might be desired.

I will attempt to respond to some of the highlights of your letter point by point.

Recommendation No. 1

1. In the past two years, the Board has taken great caution to be as consistent as possible. They have someone from the Attorney General Office either present or available for consultation for all meetings. They have worked on extensive revisions to regulations in order to clarify issues and avoid confusion or lack of specificity which may lead to inconsistency. The Board, at times, is caught in a double bind in some of these situations between attempting absolute consistency, while at the same time, having individuals who are concerned about too rigid regulations constituting restrictiveness.

2. In order to avoid any concern about lack of openness regarding Board matters, for the past several years all meetings including work sessions have been tape recorded. Only executive sessions, which contain information and personnel materials regarding individual applicants or complaints which have been filed, are not taped. Meetings are set and publicly announced for time and place well ahead of time. There are frequently members of the public in attendance at meetings.
3. The Board supported adding another professional member to the board to share the workload. No funds have been available to pay for scoring of exams, developing pools of test items, or other extremely time consuming work which cannot be accomplished by public members. The board is funded for only three two day meetings a year, which severely limits working time. The Board has never favored limiting public members and would welcome their addition. Board requests for additional members have not been met.
4. The Board may have draft regulations by the August 1981 meeting regarding specialty designations. This area requires careful deliberation since such designations are only now being formulated at the national level by the American Psychological Association. Before the new regulations were formulated, this designation process had been very restrictive in Alaska for psychological associates and limited them to only two narrow areas of practice. In recent years, new and very legitimate areas of practice have been developing in psychology. The intention of the Board is to avoid limiting any qualified professional from practice in the state. There is also concern for designing regulations which will be compatible with standards in other parts of the country and enhance opportunities for qualified psychological professionals from other areas who may come to Alaska.

Draft regulations for continued competency standards are expected after the August meeting. Once again, the intention is to develop strong standards which are compatible with other areas of the country.

5. (p.2) The Board has begun requiring that at least the chairperson, if not the entire Board, review all nonroutine correspondence sent out for the Board by the Occupational Licensing staff. Scoring and computation of test average scores is also being reviewed by the Board as a double check against computational errors or misinformation. The staff position has a history of fairly rapid turnover, which has always concerned the Board. The individual is sometimes gone before they have had an opportunity to become job proficient.

On page 3, you note that two states have eliminated state licensing of psychologists. Please also note that South Dakota found that situation so unworkable that they have reinstated state licensing. As of today, I understand, the Florida legislature has reinstated state licensing of psychologists and that bill is on the governor's desk awaiting signature.

You comment that the Board has neither revoked nor suspended any licenses. This would indicate that the initial licensing procedures, even with their occasional difficulties, have been working quite effectively.

Recommendation No. 2

- (p.3) The Board has been working for several years to refine identifying and defining regulations to eliminate ambiguity and/or confusion regarding who is or is not included in the practice of psychology. The Board was concerned about continued difficulty in this area and requested additional public hearings before final recommendations on the latest proposed regulations. The teleconference hearings held on May 4, 1981 helped clarify these issues and provided opportunity for input by concerned professionals. It was found that a few semantic problems in the proposed regulations were creating confusion for a few other qualified professionals (particularly social workers). Changes were made in the recommended regulations to remedy the problem.

New regulations for the area of adequate supervision for doctoral level licensing applicants were also presented during the teleconference hearing which are expected to provide for more flexible arrangements in outlying areas. This has been a long and difficult area to develop satisfactorily.

Prior Audit Recommendation No. 1

- (p.4) As pointed out earlier, the Board requested the addition of at least one more professional member in order to share the work load. While this increase was made with a new appointment, the total size of the Board was not increased with the resultant under-representation of public members. This is indeed a serious problem and the Board would welcome the addition of more public members. The Board would certainly support such a statutory change.

Prior Audit Recommendations No. 2

- (p.6) In this section of your letter, you make incomplete reference to certain applicant cases implying that there may have been error or inconsistency in handling the cases. I am not able to respond to this unidentified case material. The Board will happily review clearly identified and specific case problems.

I have mentioned several safeguards the Board is implementing to avoid this kind of problem, such as the review of all non-routine correspondence and all test score calculations prior to their release by the Division of Occupational Licensing. More detailed information regarding individual case decisions needs to be formally entered in Board minutes as well. Not only details of action, but more rationales for the decisions need to be formally recorded in order to avoid misinterpretation by those outside the Board.

Once again, let me reassure you that the Board will gladly review clearly identified and specific concerns you may have regarding individual cases. The Board is very concerned about these issues. However, I feel you will usually find that concerns come from someone with incomplete information.

The Board appreciates the fine support from the Division of Occupational Licensing, but is continually concerned about accurate and complete presentation of information to licensing applicants and to the public. The Board is working on a number of projects to assure simple and accurate information management.

Prior Audit Recommendation No. 3

- (p.8) While the open nature of Board activities is of supreme importance, the protection of reputation and character of individuals must also be carefully guarded. In the past, work sessions were not tape recorded; however for at least two years, even work sessions are recorded except for executive sessions, which may influence reputation and character of individuals applying for licensure or under review. It is important to realize that in a professional community as small as Alaska, the elimination of names alone in no way protects the identity of an individual in a situation which requires such discretion.

Again I concur that the Board needs to provide for more detail and rationale for decisions made in either executive or regular session. I share your concern regarding failure to attach correspondence or other documents to Board minutes before submission to Occupational Licensing. This procedure is handled by the staff member and the Board must insist that this is corrected. I have attached a note to the minutes of the April conference call requesting the attachment be added as indicated.

Prior Audit Recommendation No. 6

- (p.11) The development of specialty designations should be helpful in this area. The Board has neither statutory authority nor intent to regulate any professional outside psychology. Psychology is not alone, as a profession, in its concern with assuring the public of quality in professional services.

Prior Audit Recommendation No. 7

- (p.12) The Board has spent a great deal of time improving testing procedures and is aware that there is still more to be desired. The oral examination procedure has been completely eliminated in order to avoid possible inequities. The written essay portion is improving considerably with the development of more specialty questions (which also require a scoring format and answer citations). Scoring forms are being improved to assure more consistent scoring by individual board members.

The nature of board involvement with applicants during and after testing provides for total anonymity of applicants until such time as all pass-fail decisions are complete. This necessitates careful management and security by staff members who administer the tests and handle test materials.

Daniel A. Allen
July 7, 1981
Page 4

Prior Audit Recommendation No. 1

- (p.4) As pointed out earlier, the Board requested the addition of at least one more professional member in order to share the work load. While this increase was made with a new appointment, the total size of the Board was not increased with the resultant under-representation of public members. This is indeed a serious problem and the Board would welcome the addition of more public members. The Board would certainly support such a statutory change.

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Once again, let me reassure you that the Board will gladly review clearly identified and specific concerns you may have regarding individual cases. The Board is very concerned about these issues. However, I feel you will usually find that concerns come from someone with incomplete information.

The Board appreciates the fine support from the Division of Occupational Licensing, but is continually concerned about accurate and complete presentation of information to licensing applicants and to the public. The Board is working on a number of projects to assure simple and accurate information management.

The Board is helping the staff develop a testing procedure manual to eliminate possible errors. As mentioned previously, the Board is now reviewing all calculations as a double check against error.

Professional members of the Board score exams with only a number as case identification. This does not allow members to always know whether the applicant is after a psychologist or psychological associate license. For this reason, scoring sheets are sometimes indicated as passing at the psychological associate level. Designation of levels would sometimes reveal the identity of psychological associate applicants since there are very few of them during most test administrations. Scoring time is being improved. However, scoring is done by unpaid professional members and requires considerable time for mailing test material all over the state and back to Juneau. Tests take a significant amount of time for careful review and scoring. Once all tests are returned to Juneau, tallies and computations need to be rechecked. The Board is working to expedite this whole process.

As you indicated, there is a great deal of similarity between certain questions which have been used in the essay exam and the standard national exam. However, the multiple choice nature of the national exam does not allow a well qualified applicant to demonstrate the depth and detail of knowledge shown through an essay exam. The essay exam provides an opportunity to examine areas unique to the Alaskan situation as that is indicated. Also, while the national exam covers a broad range of areas in psychology, it does not demonstrate an individual's thorough knowledge in specific areas. The national exam can be passed by intensive study of a strong academically oriented introductory general psychology text. The national exam is very complimentary to the very in depth nature of the essay portion because it indicates broad general understanding of the entire field of psychology. Both sections have an important part in determining qualified professionals.

Prior Audit Recommendation No. 8

(p.14) I am enclosing ^{NOT ATTACHED} copies of two letters to legislators which cover the issues regarding the licensing of psychological associates.

The Board is very much aware of the need to broaden the scope of professionals in such a place as Alaska and has

Daniel A. Allen
July 7, 1981
Page 7

provided to allow that broadening. However, the distance, isolation, and lack of other referral resources in many Alaskan communities places far more than average importance on guaranteeing highly qualified individuals with adequate back up and supervision arrangements to provide services. The Board is concerned, not just with numbers of such professionals, but with quality of training and adequate support for service providers at all levels. As noted in the letter, the doctoral level of training is the beginning level of entry for independent practice. A psychological associate, like a physicians assistant, does not become a doctor without going back for the additional training and degree.

Prior Audit Recommendation No. 9

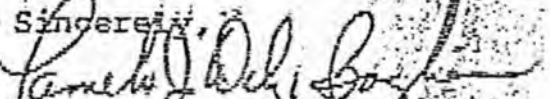
(p.16) As indicated earlier, the Board hopes to have draft regulations for continued competency by this fall.

Prior Audit Recommendation No. 11

(p.16) Again as indicated earlier, the board shares serious concern about rapid turn over in Division support staff. The Board is working with the current licensing examiner to develop a much needed manual. The Board depends heavily on the licensing examiner to provide and relay information, manage case files, and of course administer exams. That individual needs all the clarity and completion of information possible to handle the great deal of responsibility placed with them. The Board is unable to function expeditiously without accurate and quick work on the part of the examiner. The Division of Occupational Licensing has been very supportive and deserves a great deal of appreciation from the Board.

Thank you, Mr. Allen, for your lengthy review of concerns regarding the Board of Psychologist and Psychological Associate Examiners. While our conclusions clearly differ in many areas, you bring out many pertinent points for the Board to examine and improve. I look forward to further contact with you in the future.

Sincerely,


Pamela J. Delys-Baglien, PH
Chairman
Board of Psychologist and
Psychological Associate
Examiners

cc. Dr. Paul Turner
Dr. Dorothy Whitmore
Dr. Jane Krouse
Dr. Charles Bovee
Division of Occupational Licensing

Adopted by H.L & C

~~so~~ spoke to Penny Logsdon 4-23-86
"will have corrections made..."

LETTER OF INTENT FOR CSSB 251, AN ACT RELATING TO THE REGULATION OF
THE PRACTICE OF PSYCHOLOGY

CSSB 251(HESS) directs the State Board of Psychologist and Psychological Associate Examiners to adopt regulations identifying criteria for programs of graduate study in psychology for the purposes of licensure, and to present those regulations to the legislature no later than the 10th day of the first session of the 15th Alaska State Legislature. It is the intent of the Senate Committee on Health, Education and Social Services that program criteria be based on the following:

For a program of graduate study for a doctorate degree:

1. The doctoral education and training in psychology are offered in an institution of higher education accredited by one of the regional accrediting bodies recognized by the Council of Postsecondary Accreditation.

2. The doctoral program is publicly identified as a psychology program, or an equivalent degree that is psychological in nature, and is specified as such in pertinent institutional catalogues and brochures.

3. The psychology program stands as a recognizable, coherent organizational entity within the institution.

4. Psychologists have clear authority and primary responsibility for the academic core and specialty preparation, whether or not the program involves multiple administrative lines.

5. The psychology program is an organized, integrated sequence of study.

6. The program requires the equivalent of three full-time academic years of graduate study:

a. Two years of which are at the institution from which the doctoral degree is granted.

b. One year of which is in full-time residence at the institution from which the doctoral degree or the equivalent as determined by the Board is granted.

7. The program requires students to acquire knowledge in the following program components:

a. Methodology and History. Systematic preparation in scientific standards and responsibilities, research design and methodology, quantitative methods, and historical foundations in psychology.

b. Foundation in psychology. Coursework in each of the four following areas of study:

i. biological bases of behavior (physiological psychology, comparative psychology, neuropsychology, psychopharmacology)

ii. cognitive-affective bases of behavior (learning, memory, perception, cognition, thinking, motivation, emotion)

iii. social bases of behavior (social psychology, cultural, ethnic, group processes, sex roles, organizational behavior)

iv. individual differences (personality theory, human development, individual differences, abnormal psychology, psychology of women, psychology of the handicapped, psychology of the minority experience)

c. Additional preparation in the area of specialization.

i. knowledge and use of ethics, guidelines, standards.

ii. supervised practicum and/or laboratory experiences appropriate to the area of practice, teaching, or research in psychology specialization.

iii. advanced preparation appropriate to the area of specialization. Internship takes place in a specialized doctoral program following the supervised practicum and/or laboratory experience and as such is not within the purview of the designation process or the equivalent thereof.

10. Programs accredited by the American Psychological Association Education and Credentialing Committee are recognized as meeting the program definition.

For a program of graduate study for a masters degree:

1. The masters level education in psychology is offered in an institution of higher education accredited by one of the regional accrediting bodies recognized by the Council of Postsecondary Accreditation.

2. The masters level program is publicly identified as a psychology program, or the equivalent, and is specified as such in pertinent institutional catalogs and brochures.

3. The psychology program stands as a recognizable, coherent organizational entity within the institution.

4. Psychologists have clear authority and primary responsibility for the academic core and specialty preparation, whether or not the program involves multiple administrative lines.

5. There is an identifiable core of psychology faculty.

6. There is an identifiable body of students who are matriculated in the psychology program for the masters degree.

7. The psychology program is an organized, integrated sequence of study.

House Labor & Commerce
April 21, 1986

Adopted by S HESS

LETTER OF INTENT FOR CSSB 251, AN ACT RELATING TO THE REGULATION OF
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2. The doctoral program is publicly identified as a psychology program, and is specified as such in pertinent institutional catalogs and brochures.

3. The psychology program stands as a recognizable, coherent organizational entity within the institution.

4. Psychologists have clear authority and primary responsibility for the academic core and specialty preparation, whether or not the program involves multiple administrative lines.

5. There is an identifiable core of psychology faculty.

6. There is an identifiable body of students who are matriculated in the psychology program for the doctoral degree.

7. The psychology program is an organized, integrated sequence of study.

8. The program requires the equivalent of three full-time academic years of graduate study:

- a. Two years of which are at the institution from which the doctoral degree is granted.

- b. One year of which is in full-time residence at the institution from which the doctoral degree is granted.

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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MAR 12 1985

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 5800

MEMORANDUM

March 12, 1985

Superseded

SUBJECT: Regulation of the practice of psychology
(Work Order No. 14-0617)

TO: Senator Jalmar Kerttula

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked for a summary of the enclosed draft.

Section 1 amends AS 08.86.070(1) to require the board to establish objective examination requirements. The section also repeals paragraphs 10 and 11 as redundant because the board has authority to adopt regulation under AS 08.86.080.

Section 2 permits the board to accept applicants with degrees from schools whose program does not meet the requirements of the American Psychological Association Education and Credentialing Committee in Psychology if the program is approved by the board. The section also requires the board to accept applicants with degrees in subjects not now accepted.

Section 3 makes a technical change to the temporary licensing statute because of the amendment in section 2 adding examination requirements to AS 08.86.130.

Section 4 makes technical amendments to continue permitting the board to issue temporary licenses without examination. It clarifies that a licensed or certified psychologist may qualify for a license by credentials either through education and licensing by another licensing jurisdiction or by being a diplomate of the American Board of Professional Psychology.

Section 5 amends the statute on qualifications for psychological associates to reflect the expanded recognition of academic institutions contained in section 1 of the bill.

Senator Jalmar Kerttula
March 12, 1985
page 2

It also reduces the requirement for supervised experience from three years to two years and deletes the requirement for completing the experience within the last 10 years.

Section 6 repeals AS 08.86.120 which requires that applicants who pass the examination be licensed by the board. That requirement is now contained in AS 08.86.130. It also repeals the definition of "approved program" in AS 08.86.230 since that term is no longer used in this chapter.

Section 7 is an immediate effective date clause.

If I may be of further assistance, please advise.

TBC:ojb
J12/082

Sec. 47.17.010. Purpose.**NOTES TO DECISIONS**

Cited in *Gerlach v. State*, Ct. App. Op.
No. 468 (File No. A-501), P.2d
(1985).

Sec. 47.17.020. Persons required to report. (a) The following persons who, in the performance of their occupational duties, have cause to believe that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members of public and private schools;
- (3) social workers;
- (4) peace officers, and officers of the Department of Corrections;
- (5) administrative officers of institutions;
- (6) child care providers;
- (7) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.900.

(b) This section does not prohibit the named persons from reporting cases that have come to their attention in their nonoccupational capacities, nor does it prohibit any other person from reporting a child's harm that the person has cause to believe is a result of child abuse or neglect. These reports shall be made to the nearest office of the department.

(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall take immediate action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department.

(d) This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination. (§ 1 ch 100 SLA 1971; am §§ 4, 5 ch 104 SLA 1982; am E.O. No. 55, § 42 (1984); am §§ 8—10 ch 39 SLA 1985)

Effect of amendment.

Sec. 47.17.020. son who, in this matter, either the matter or 11.41.455(a) agency, and known about 1985)

Effective date of SLA 1985 provisions July 1, 1985."

Sec. 47.17.020. rights.

Cited in *Gerlach v. State*, Ct. App. Op. No. 468 (File No. A-501), P.2d (1985).

Sec. 47.17.020.

Cited in *Gerlach v. State*, Ct. App. Op. No. 468 (File No. A-501), P.2d (1985).

Sec. 47.17.020.

"Judicial process" "judicial process" made under this section only refers to child abuse or neglect.

Sec. 47.17.020. a practitioner of the healing arts, a parent, guardian, or other person having knowledge or information regarding a child who is the subject of a report of child abuse or neglect (1) take or attempt to take any action to harm the child; and

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May 3, 1985
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WHAT SENATE BILL 251 DOES:

Senate Bill 251 eliminates two arbitrary and discriminatory handicaps to licensure as a Psychologist in Alaska. They are:

- 1) The demand that the candidates graduate school not only meet State standards but that it be accredited by a regional accrediting agency.
- 2) The demand that an "approved program" be one that meets the requirements of the American Psychological Association Education and Credentialing Committee.

These two demands present the irrebutable inference: That non-regionally accredited schools are inadequate, that non-APA approved psychology programs are inferior.

WHAT SENATE BILL 251 DOES NOT DO:

Senate Bill 251 does not eliminate objective criteria for establishing qualifications.

- 1) It continues the demand for successful completion of an objective examination. (The choice of national exam or an Alaskan exam is left to the board.)

- 2) It continues the demand for 1500 hours of supervised post-doctoral internship .
- 3) It continues the demand that the candidate have a doctoral degree germane to a field of psychology in which he will practice.

RE: "REGIONALLY ACCREDITED SCHOOLS"

- 1) Our neighbor, California, long ago eliminated as a requirement for licensure as a psychologist that a candidate's school have regional accreditation.
- 2) California saw the requirement of regional accreditation as a built-in bias in favor of established schools and urban centers.
- 3) California saw the requirement of regional accreditation as a defacto block to creative development of any new professional schools of psychology.

(It takes from 4-8 years for a new school to achieve regional accreditation. What student would enroll in any new professional school of psychology if upon graduation the student could not get a license because his school was not regionally accredited.)

- 4) California sees competency more than adequately safe-guarded by successful completion of objective national psychology exams taken upon completion of California-sanctioned doctoral degrees in the field of psychology.

RE: APA APPROVED PROGRAMS:

- 1) California specifically excludes in its laws that psychology licensure should demand graduation exclusively from programs approved by National Associations.
- 2) California saw this demand as fundamentally discriminatory to graduates of non-APA approved programs, the quality of whose achievements on national examination scores was often superior to scores received by graduates of APA programs.
- 3) California saw that cementing "guidelines" of any National Associates into legal concrete would foreclose any opportunity for flexibility in adapting to California's local conditions.
- 4) California saw several of the APA guidelines as impractical in the extreme when local conditions were considered: for example, a guideline demanding an internship agency have a minimum of two licensed psychologists on its staff. Many Mental Health Agencies and hospitals have only one Licensed Clinical Psychologist on staff. (Alaska is lucky to have even one!)

- 5) California saw some of the guidelines as inimical to the reality needs of California; for example, the guideline excluding on-the-job experience in a clinical setting as inappropriate for internship consideration even when that work is supervised by Licensed Clinical Psychologists or Psychiatrists.
- 6) California recognized that establishing APA guidelines by law would impose a rigid discriminatory form which had a clearly evident potential for ignoring the legitimate substance of excellent programs lacking that form.
- 7) California saw that competency is well-safeguarded by successful completion of un-biased examinations, and by appropriate supervised clinical experience of a determined number of hours.

DRAFT

Cramer
2/4/86 ✓
ok

Original sponsors: Kerttula and
Josephson

Superseded

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 251 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulation of the practice of
7 psychology; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.86.070 is amended to read:

10 Sec. 08.86.070. DUTIES OF THE BOARD. The board shall

11 (1) establish objective examination requirements for per-
12 sons who apply for a license to practice psychology in the state;

13 (2) examine, or cause to be examined, eligible license
14 applicants;

15 (3) approve the issuance of licenses to qualified appli-
16 cants;

17 (4) adopt regulations establishing standards for the prac-
18 tice of psychology;

19 (5) impose disciplinary sanctions as authorized by this
20 chapter;

21 (6) adopt regulations requiring proof of continued compe-
22 tency for license renewal;

23 (7) prepare an annual report for submission to the depart-
24 ment covering board activities, the number of applicants, the number
25 of examinations conducted, the passing and failure rate of each ex-
26 amination, finances, and other information as requested by the depart-
27 ment;

28 (8) review, when requested by the department, the quality
29 and availability of psychological services in the state;

1 (9) compile information for submission to the department on
2 the practice of psychology by psychologists and psychological associ-
3 ates in the state [;

4 (10) ADOPT REGULATIONS ESTABLISHING EDUCATIONAL AND TRAINING
5 REQUIREMENTS FOR PSYCHOLOGICAL ASSOCIATES LICENSED UNDER THIS CHAPTER;

6 (11) ADOPT REGULATIONS NECESSARY TO CARRY OUT ITS DUTIES
7 UNDER THIS CHAPTER].

8 * Sec. 2. AS 08.86.130 is repealed and reenacted to read:

9 Sec. 08.86.130. LICENSING REQUIREMENTS. (a) The board shall
10 issue a license to a person who

11 (1) holds an earned doctorate degree from an accredited
12 academic institution or an academic institution approved by the board
13 in

14 (A) psychology;

15 (B) educational psychology;

16 (C) education with the field of specialization in
17 counseling psychology or educational psychology; or

18 (D) a subject considered equivalent by the board.

19 (2) has one year of post doctoral experience approved by
20 the board; and

21 (3) takes and passes the objective examination developed or
22 approved by the board.

23 (b) The board may not deny recognition as an accredited or
24 approved academic institution to an educational institution solely
25 because its program has not been accredited by a professional organi-
26 zation of psychologists.

27 * Sec. 3. AS 08.86.135 is amended to read:

28 Sec. 08.86.135. TEMPORARY LICENSE. The board may issue a tempo-
29 rary licensc to a person who meets the requirements of AS 08.86.-

1 130(a)(1) and (2) [AS 08.86.130]. A temporary license issued under
2 this section is valid until the results of the examination following
3 the issuance of the temporary license are published.

4 * Sec. 4. AS 08.86.150 is amended to read:

5 Sec. 08.86.150. LICENSE BY CREDENTIALS. A person who is li-
6 censed or certified as a psychologist by an authority other than the
7 state [ALASKA] is entitled to be licensed in the state [ALASKA] with-
8 out examination if the person applies on the proper application form,
9 submits proof of continued competence as required by regulation of the
10 board, pays the credential review fee, and

11 (1) the person holds a doctoral degree with primary empha-
12 sis on psychology from an academic institution approved by the board
13 and [ACCREDITED SCHOOL WITH AN APPROVED PROGRAM];

14 (2)] the examination and qualification requirements for the
15 person's out-of-state license or certificate were essentially similar
16 to or higher than the examination and qualification requirements for
17 licensure under this chapter; or

18 (2) [(3)] the person is a diplomate in good standing of
19 the American Board of [EXAMINERS IN] Professional Psychology [;

20 (4) THE PERSON COMPLETES AND RETURNS THE PROPER APPLICATION
21 FORMS, SUBMITS PROOF OF CONTINUED COMPETENCY AS REQUIRED BY REGULATION
22 OF THE BOARD, AND PAYS THE CREDENTIAL REVIEW FEE].

23 * Sec. 5. AS 08.86.162 is amended to read:

24 Sec. 08.86.162. ASSOCIATES: QUALIFICATION FOR EXAMINATION. A
25 person is entitled to take a psychological associate examination if
26 the board finds that the person:

27 (1) has not engaged in dishonorable conduct related to the
28 practice of counseling or psychometry;

29 (2) holds a master's degree with primary emphasis on

psychology from an academic institution approved by the board [ACCREDITED EDUCATIONAL INSTITUTION WHICH HAS AN APPROVED PROGRAM], with the equivalent of at least 24 semester credit hours of graduate course work directly related to a specialized area of psychology in which licensure is requested, including a practicum;

(3) has two [AT LEAST THREE] years' supervised experience after obtaining a master's degree [WITHIN THE PAST TEN YEARS]; as used in this paragraph, "supervised experience" means the equivalent of at least one hour a week of personal interview with a supervisor whose educational qualifications are consistent with the level of activity being supervised;

(4) has the recommendation of an immediate supervisor if a licensed psychologist, or two licensed psychologists who hold doctoral degrees; and

(5) has not within the preceding six months failed an examination given by the board.

* Sec. 6. AS 08.86.164 is amended by adding a new subsection to read:

(e) Notwithstanding (b) of this section, a psychological associate who has completed at least five years of licensed practice under this section may petition for certification to practice without supervision.

* Sec. 7. AS 08.86.200 is amended by adding a new subsection to read:

(b) Notwithstanding (a) of this section, a psychologist or psychological associate shall report incidents of child abuse or neglect as required by AS 47.17.020.

* Sec. 8. AS 08.86.120 and 08.86.230(17) are repealed.

* Sec. 9. This Act takes effect immediately in accordance with AS 01.-10.070(c).

NOTE:

licensing by board now addressed in AS 08.86.120

NOTE:

Definition of "approved program" (term is no longer used in chapter)

CRITERIA FOR DESIGNATION OF DOCTORAL PROGRAMS IN CLINICAL, COUNSELING AND SCHOOL PSYCHOLOGY

The criteria in this document are adapted from *Education and Credentialing in Psychology*.

- Criterion 1** Doctoral education and training in psychology are offered in an institution of higher education accredited by one of the regional accrediting bodies recognized by the Council of Postsecondary Accreditation (COPA).

Interpretation: Regional accreditation involves an examination of the institution's finances, facilities, faculty, students, governance, and other matters. Regional accreditation involves an examination of the institutional program offerings as well as stability of the institution itself. The Brookings Institution's study on accreditation in the United States, although critical of a number of aspects of accreditation, does confirm that such accreditation raises the probability of excluding inadequate and poorly managed educational institutions.

The advent of new consortia and other multi-institutional arrangements of doctoral training programs where the doctoral degree is granted by a regionally accredited institution, however, makes it necessary to interpret this criterion on a case-by-case basis for such consortia so long as one or more of the institutions in a consortium is regionally accredited. Moreover, the absence of regional accrediting bodies for higher education in Canada makes it necessary to interpret this criterion for Canadian university programs such that they should be institutions of postsecondary education that are publicly recognized as members in good standing of the association of universities and colleges of Canada.

Evidence: COPA manual, references in institutional documents (i.e., catalogs and bulletins).

- Criterion 2** The doctoral program, wherever it may be administratively housed, is publicly labeled as a psychology program in pertinent institutional catalogs and brochures.

Interpretation: This criterion concerns the visibility of the psychology training program to which the institution has committed itself. It is the intent of the phrase "is publicly labeled as a psychology program" to leave no doubt as to the content of the program so that students, faculty, and the public know that the program is one that provides psychology training. This criterion is not intended to exclude programs housed in other than a department or school of psychology.

The availability of brochures and other materials within the program would be necessary but not sufficient evidence of institutional commitment. The institutional commitment would be reflected in official and published statements such as those contained in catalogs.

Evidence: Institutional catalogs, departmental brochures and announcements, chief academic officer statements in application.

- Criterion 3** The psychology program stands as a recognizable, coherent organizational entity within the institution.

Interpretation: There is a recognizable, identifiable, integrated program organization and a specified faculty responsible for it. This criterion is not met by the accumulation of disparate courses, whether or not the faculty are related to the program. Though

courses may be taken outside the department or program and taught by psychologists and others, the intent of this criterion is that the education and training of psychologists occur within a program with an identifiable organization, curriculum and faculty. Program resources provide for stability of funding and continuity of faculty, and the student/faculty ratio allows sufficient time for teaching, supervision, and evaluation of each student.

Evidence: Institutional catalogs, departmental brochures, faculty assignments on application, examination of student transcripts, chief academic officers' statements on application, administrative assignments, college/school/departmental tables of organization.

Criterion 4 Psychologists have clear authority and primary responsibility for the academic core and specialty preparation, whether or not the program involves multiple administrative lines.

Interpretation: It is expected that the administrative head of a psychology program be a psychologist. Regardless of the administrative structure of the program, the psychologists who have authority and responsibility for defining the nature of the doctoral program core need to be identified. The fact that the program may cut across administrative lines leaves open the possibility that a program designated as a psychology program could combine two or more departmental or college offerings and/or may, in fact, not be housed in a psychology department. The criterion seeks to make explicit that no matter where the program is administered, lines of authority and program membership are clearly specified.

Evidence: Institutional catalogs, departmental brochures, college/school/departmental tables of organization, departmental narrative.

Criterion 5 There is an identifiable core of full-time psychology faculty.

Interpretation: This criterion makes explicit the expectation that psychologists should manage and be responsible for the education of those who will become psychologists, and that the majority of the program faculty be psychologists.

Full-time faculty refers to faculty whose major time commitment and primary assignment is to education and training activities of the program. In those special circumstances where there is an absence of full-time core faculty, the program will be required to demonstrate the accessibility and availability of faculty to students and the extent of interaction among faculty.

Psychologists have a doctoral degree in psychology from a regionally accredited university or professional school and appropriate training and experience in the area of service offered. In determining whether or not a person is a psychologist, other qualifications may be considered such as fellow status in APA, diplomate status with the American Board of Professional Psychology, and state licensure or other certification as a psychologist.

All programs, especially those with an absence of diversity among the faculty, shall provide information about (1) efforts to demonstrate consideration of diversity in course offerings, practicum placements, and selection of field supervisors; (2) other efforts that have been made to achieve diversity; and (3) how hiring and promotion policies and practices make an effort to include diversity on the basis of gender, ethnicity, life style, and cultural background.

Evidence: Faculty curricula vitae, faculty assignments, institutional catalogs, departmental or program brochures, relevant items in designation application, past recruiting efforts, and affirmative action policies and procedures.

Criterion 6 There is an identifiable body of students who are matriculated in the psychology program for the doctoral degree.

Interpretation: Matriculation implies that students have met admission standards, that there is a residency requirement, and that the program had been in place for a minimum of two years with students in each of those two year levels.

All programs, especially those with an absence of diversity among students, shall provide information (1) to show how coursework, practicum placements, and selection of field supervisors provide experiences with diversity; (2) to show what efforts have been made to recruit a more diverse student body; and (3) to verify that the methods used to recruit students do not systematically exclude candidates from consideration on the basis of gender, ethnicity, life style, and cultural background.

Evidence: Designation application; graduated students; institutional catalogs; departmental and program brochures; student recruiting efforts and procedures; special courses, committees, field experiences, role models appropriate to diversity and multicultural experiences.

Criterion 7 The psychology program is an organized, integrated sequence of study designed by the psychology faculty responsible for the doctoral program.

Interpretation: To meet this criterion, a program specifies the objectives that the students achieve, as well as the sequence in which the knowledge and practice skills are to be acquired. In general, students should not receive credit for coursework and experiences outside the requirements of a degree program, although in some instances, a limited number of courses taken elsewhere may be accepted by the training program as meeting specific requirements. In no event can graduate education and training in psychology be simply the completion of a specified number of units of study in psychology and the submission of evidence of a number of hours completed in a psychological work setting.

In essence, the program in which students matriculate to complete graduate education and training in psychology is integrated, sequenced, and organized to ensure the acquisition and application of psychological knowledge, methodology, and preparation in specified areas. The program is offered under the direction of an identifiable, administrative unit.

Evidence: Institutional catalogs, departmental and program brochures, student transcripts, program narrative, program or departmental organizational structure, faculty curricula vitae, faculty assignments.

Criterion 8 Psychology programs leading to a doctoral degree require the equivalent of three full-time academic years of graduate study:

- a. two years of which are at the institution from which the doctoral degree is granted, and
- b. one year of which is in full-time residence at the institution from which the doctoral degree is granted.

Interpretation: Optimally, this program criterion should be understood and implemented as stated. However, realizing that institutions determine what constitutes full-time study and that not all students can attend full time or complete a full year of residency, there may be differences in the implementation of this criterion. Programs that do not meet this criterion will be required to document the goals of residence and manner in which the goals of residence are met.

Full-time graduate study generally includes residence at the educational institution in which the students pursue full-time graduate study together with other students enrolled in that program. Residence provides students access to a core psychology faculty whose primary time and employment responsibilities are to the educational institution, and access to other students matriculated in that program. Full-time study in residence also requires education and training to be distributed over the days and weeks of an academic year on campus.

The intent of the full-time residence requirement is to provide the interactions with faculty and fellow students necessary for acculturation and socialization in the science and practice of psychology.

An internship year requirement will not contribute to the academic year requirements of this criterion.

Evidence: Students' transcripts, departmental and program brochures, institutional catalogs, program narrative.

Criterion 9 Doctoral programs in psychology require students to acquire knowledge in the following program components:

- a. Methodology and History. Systematic preparation in scientific standards and responsibilities, research design and methodology, quantitative methods (e.g., statistics, psychometric methods), and historical foundations in psychology.
- b. Foundations in psychology. Coursework in each of the four following areas of study:
 - i. biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, psychopharmacology);
 - ii. cognitive-affective bases of behavior (e.g., learning, memory, perception, cognition, thinking, motivation, emotion);
 - iii. social bases of behavior (e.g., social psychology, cultural, ethnic, and group processes, sex roles, organizational behavior); and
 - iv. individual differences (e.g., personality theory, human development, individual differences, abnormal psychology, psychology of women, psychology of the handicapped, psychology of the minority experience).

c. Additional preparation in the area of specialization.

- i. Knowledge and use of ethics, guidelines, and standards;
- ii. Supervised practicum and/or laboratory experiences appropriate to the area of practice, teaching or research in psychology;
- iii. Advanced preparation appropriate to the area of specialization. Internship takes place in a specialized doctoral program following the supervised practicum and/or laboratory experience and as such is not within the purview of the designation process.

Interpretation: The listing of content areas reaffirms the principle that the foundation of education in psychology and the acquisition of competencies appropriate to the area of specialization comprise the growing body of knowledge in the discipline of psychology. The criterion constitutes an explicit statement of the generally recognized body of knowledge in the field of psychology. As such, the criterion provides a general frame of reference from which programs can be designed.

In the absence of clearly identifiable courses in the components, alternate procedures for satisfying the criterion must be specified. Discrepancies between program requirements and student transcripts require elaboration.

Appropriate practicum or laboratory experience should begin early in the program. Practicum refers to supervised practical experience. The experience might be gained on or off campus. Laboratory experience refers to a supervised experience in the use of scientific methodology and inquiry. All practica and laboratory experiences include regularly scheduled supervision.

Evidence: Program brochures; institutional catalogs; student transcripts; programs narratives with statement of goals, requirements and methods of implementation; lists of laboratory courses and research programs involving students; lists of practica courses, field experiences, recent student placements, names of supervisors and required supervision hours for each.

SENATE BILL 251/PSYCHOLOGY: PROTECTION, PROMOTION AND COSTS OF PUBLIC HEALTH AND WELFARE

Robert M. Arvidson
Box 258, Cordova, Alaska, 99574, December 1985

SB251 entitled, "An Act relating to regulation of the practice of psychology..." is pending in the fourteenth legislature. The bill is best viewed as legal-social legislation for expanding the availability of needed psychological health services in Alaska.

SB 251 will repeal the arbitrary requirement that candidates for licensure must be graduates of programs approved by the American Psychological Association (APA, a worthy but non-legal entity as far as Alaska is concerned). The bill also provides for an increased number of viable programs and degrees that can be recognized by the psychology board under the psychology statutes (ASOC.86). To date, no research is available that has shown that graduates of APA programs are superior to graduates of non-APA programs in terms of client outcomes.

SB 251 will protect the public by retaining necessary and sufficient entry requirements, and will promote public health and welfare by creating a functional licensing law that will allow qualified applicants to gain licensure.

As of April 1985, Alaska had only 93 licensed psychologists (seventeen ^{other} licensees listed out of state addresses). The shortage of psychologists has been noted in past performance reviews of the psychology board. The 1981 legislative audit of the board indicated that the board has "... been unnecessarily restricting the licensing of qualified psychologists..." since 1975. SB 251 will help alleviate this problem by specifying the doctoral degrees that must be recognized by the board. SB 251 will reduce arbitrary decisions and constitutional due process problems.

SB 251 is modeled after portions of existing California licensure law (Sec. 2914; Business and professions code). California has recently experienced a tremendous increase in the number of psychologists licensed under its progressive licensure code. Similarly, it is expected that the passage of SB 251 will lead to an increased number of licensed psychologists in Alaska.

The passage of SB 251 will help force open competition on the marketplace. Increased competition in any field means better services and lower costs for the public, and as is appropriate in this case, for the state. As for the latter, licensed independent psychologists in California proved in 1982 that the unit cost of psychological services in county public programs was twice the cost of that for state Medicaid clients seen by psychologists in private practice (page 1212, in Dorken, H., "Advocacy and the legislative process: Representation in a changing world." American Psychologist, 1982, 38, 1210-1215). Of course, reduced costs cannot be passed on to the public or to the state until a substantial cadre of independent licensed psychologists is created. Such a cadre does not exist in Alaska.

In conclusion, it is argued that SB 251 will protect the public by specifying realistic minimum requirements for licensure. In turn, SB 251 will promote public health, welfare, and reduced costs by establishing reasonable licensure provisions that will encourage qualified applicants to seek licensure and locate in the state.

The intent of SB 251 is to enhance public well-being. Please support Senate Bill 251.

— SB 251

