

**HB**

**110**

# Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589



House District 38  
Kuskokwim & Johnson Rivers  
Kuskokwim Bay & Nelson Island

Akiachak

Akiak

Atmautluak

Bethel

Chefornak

Eek

Goodnews Bay

Kasigluk

Kipnuk

Kongiganak

Kwethluk

Kwigillingak

Lower Kalskag

Mekoryuk

Mertarvik

Napakiak

Napaskiak

Newtok

Nightmute

Nunapitchuk

Oscarville

Platinum

Quinhagak

Taksook Bay

Tuluksak

Tununak

Tuntutuliak

Upper Kalskag

## House Bill 110 - "Psychologists' Licensing and Practice"

### Sponsor Statement

HB 110, "Psychologists' Licensing and Practice", hopes to clarify current statute regarding the licensing and regulation of psychologists in Alaska.

When current statute was written outlining the licensure of psychologists, the State Board of Psychologist and Psychological Associate Examiners offered the qualifying exam once every six months. Now the exam is offered more frequently, but AS 08.86.162 still specifically requires that an applicant who takes but does not pass the exam must wait six months before trying again. HB 110 deletes this requirement, allowing applicants to re-take the exam the next time it is offered. This change creates a more efficient licensure system, without sacrificing professional standards or quality.

HB 110 also clarifies to whom Alaska's laws regarding licensure do, and do not, apply. Passage will not limit the work of any other mental health service providers in Alaska – secular, spiritual, professional, or within volunteer-driven programs.

HB 110 is supported by the State Board of Psychologist and Psychological Associate Examiners, the Alaska Psychological Association, the Alaska Mental Health Board, and the Advisory Board on Alcohol and Drug Abuse.

Thank you for your interest. Please freely contact myself, or aide Liz Clement, with any questions.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

November 3, 2009

**SUBJECT:** Sectional summary (CSHB 110(HSS);  
Work Order No. 26-LS0474\A)

**TO:** Representative Bob Herron  
Co-chair of the House Health and Social Services Committee  
Attn: Liz Clement

**FROM:** Alpheus Bullard *AB*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Removes language that prevented a person from taking a psychological associate examination if the person had failed an examination administered by the Board of Psychologist and Psychological Associate Examiners in the preceding six months.

**Section 2.** Clarifies that the state's laws regulating psychologists and psychological associates (AS 08.86) do not apply to (1) school psychologists performing duties within school district facilities for a school district employer and (2) officers or employees of the United States Government practicing psychology while in the discharge of their official duties.

TLAB:ljw  
09-363.ljw

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB110  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB110-DHSS-BHA-01-14-10 Dept. Affected: Health & Social Services  
 Title: Psychologists' Licensing & Practice RDU: Behavioral Health  
 Component: Behavioral Health Administration  
 Sponsor: Herron  
 Requester: House HSS Component Number: 2665

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES (</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

This bill will have no significant fiscal impact on Behavioral Health. The bill relates to the practice and licensing of psychologists including a change in the qualifications of who is eligible to take a psychological associate examination and a clarification of Sec. 08.86.180 indicating who can practice psychology and who is exempt from those requirements (Section (b)).

Prepared by: Melissa W. Stone Phone 269-3410  
 Division: Behavioral Health Date/Time 12/28/09 5:00 PM  
 Approved by: Alison Elgee, Assistant Commissioner Date 1/14/2010  
Finance & Management Services

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB110  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB110-DHSS-BHA-03-13-09 Dept. Affected: Health & Social Services  
Title: Psychologists' Licensing & Practice RDU: Behavioral Health  
Component: Behavioral Health Administration  
Sponsor: Herron  
Requester: House HSS Component Number: 2665

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		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
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Contractual								
Supplies								
Equipment								
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This bill will have no significant fiscal impact on Behavioral Health. The bill relates to the practice and licensing of psychologists including a change in the qualifications of who is eligible to take a psychological associate examination and a clarification of Sec. 08.86.180 indicating who can practice psychology and who is exempt from those requirements (Section (b)).

Prepared by: Melissa Stone Phone 269-3410  
Division: Behavioral Health Date/Time 3/12/09 5:00 PM

Approved by: Alison Elgee, Assistant Commissioner Date 3/13/2009  
DHSS Finance & Management Services

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 110  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB110CS(HSS)-CED-CBPL-02-16-10 Dept. Affected: DCCED  
 Title: Psychologists' Licensing and Practice RDU: Corp, Bus, & Prof Licensing (117)  
 Component: Corp., Bus., & Prof. Licensing  
 Sponsor: Representative Herron  
 Requester: House Labor and Commerce Committee Component Number: 2360

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
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**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

HB 110 amends AS 08.86, the statutes governing psychologists and psychological associates allowing psychological associates to take or re-take the licensure examination when ready; and exempts school psychologists and federal employees from State licensing requirements while performing their duties as employees. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Chief  
 Division: Corporations, Business & Professional Licensing  
 Approved by: Emil Notti, Commissioner  
Commerce, Community and Economic Development

Phone (907) 465-2144  
 Date/Time 2/16/10 9:44 AM  
 Date 2/16/2010

Alaska Psychological Association

*advancing psychology as a science, profession, and means of promoting human welfare*

P.O. Box 241292  
Anchorage, Alaska 99524  
ak-pa.org  
(907) 344-8878

2/26/08

Lorin Bradbury Ph.D.  
Chairperson  
Board of Psychologists and Psychological  
Associate Examiners

Dear Dr. Bradbury;

The Executive Board of the Alaska Psychological Association voted unanimously at its February 11<sup>th</sup> meeting to support the efforts of the Psychological Licensing Board to modify the language of the Psychology Licensing Law that describes who can call themselves Psychologists or advertise themselves as Psychologists. Currently in the Scope of practice section of our license, any mental health professional working in a government agency, private mental health clinic or other mental health organization could potentially practice as a licensed psychologist and advertise themselves as such in providing psychological evaluations, psychological testing and related psychological reports to the public or other agencies. The Alaska Psychological Association Executive Board appointed Phillip Baker Ed.D. And Robert Lane Ph.D. to work with the Psychological Licensing Board to help prepare and testify in new legislation to close this loop hole. We feel that anyone working in any setting that is holding themselves out as a psychologist, **MUST HAVE A PSYCHOLOGIST LICENSE.**

This letter was written to display the support of our professional organization for this proposed legislation. If there are further questions about this letter, please direct them to Dr. Phillip Baker Ed.D., Legislative Chair Person for the Alaska Psychological Association. Dr. Baker's telephone number is: (907) 562-2392. His email address is:

Sincerely  
*Phillip Baker Ed.D.*  
Phillip Baker Ed.D.  
Licensed Clinical Psychologist  
AK-PA Legislative Chairperson

**Bradbury Psychological Services**  
**P.O. Box 1748**  
**Bethel, AK 99559**  
**Ph. (907) 543-3266**  
**FAX (907) 543-4767**  
**E-mail: lorin192@unicom-alaska.com**

February 11, 2009

Representative Bob Herron  
State Capitol  
Juneau, AK 99801-1182

Re: HB 110

Dear Mr. Herron:

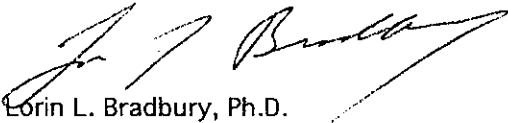
This letter is in support of HB 110, which has the support of both the Board of Psychologist and Psychological Associate Examiners, and the Alaska Psychological Association. The most substantial change by passage of this bill will be to AS 08.86.180(b). Passage of this bill is clearly in the best interest of the public because it provides the level of protection to the public that was originally intended by the passage of a licensing law for psychologists.

As the law currently stands, it has led some to believe that AS 08.86.180(b)(1) exempts a variety of individuals who might be eligible for licensure from the requirement of licensure. Passage of HB 110 will more clearly define who needs to obtain licensure.

Passage of this bill will not discriminate against school psychologists who are credentialed by the Department of Education, nor against those already exempted from licensure by federal law. Also, it will not negatively impact other mental health professionals because they are already protected under AS 08.86.180(b)(5) and (d).

Thank you for your support of this very worthy piece of legislation.

Sincerely,



Lorin L. Bradbury, Ph.D.

Chairman

Board of Psychologist and Psychological Associate Examiners

# Board of Psychologist and Psychological Associate Examiners

State of Alaska >Commerce >Professional Licensing >Psychologists Examiners

## Applications

The Board of Psychologist and Psychological Associate Examiners is staffed by the Division of Corporations, Business and Professional Licensing. The Board consists of three psychologists, one psychological associate, and one public member. Board members are appointed by the governor and confirmed by the legislature.

## Examinations

## Meeting Dates

## Meeting Minutes

## Psychologist & Psychological Associate Statutes & Regulations

The Board adopts regulations to carry out laws governing the practice of psychology in Alaska. It makes final licensing decisions and takes disciplinary actions against people who violate licensing laws. The Board meets three times a year and offers a public comment period at each meeting. Meeting agendas are available from the licensing examiner.

## Central Licensing Statutes & Regulations

## Professions Regulated by the Board

## National Organizations

- a. Psychological Associate
- b. Psychologist

## Contact Information

Licensing Examiner: Jan Mays  
 Phone: (907) 465-5470  
 Fax: (907) 465-2974  
 E-mail: janalete.mays@alaska.gov  
 Address: PO Box 110806  
 Juneau, AK 99811-0806

## Investigations/Complaints

To file a complaint or to bring a matter pertaining to the actions of a licensed, or unlicensed, professional to the attention of our investigative staff, please send an email to: [investigations@alaska.gov](mailto:investigations@alaska.gov)

- Acupuncturists ▲
- Architects, Engineers, and Land Surveyors ▲
- Audiologists and Speech-Language Pathologists ▲
- Barbers and Hairdressers ▲
- Big Game Commercial Services Board ▲
- Chiropractic Examiners ▼

Webmaster    Contact the Division

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- ▶ Business License Search
- ▶ Professional License Search
- ▶ Download List of License Holders

## Of Interest...

- ▶ Business Licensing
- ▶ Small Business Development
- ▶ Other Occupations Licensed in Alaska
- ▶ Notices of Proposed Regulations



Applications may be viewed and printed with Adobe Acrobat Reader 6.0 or higher. If you do not have Adobe Acrobat Reader 6.0 or higher, please click on the Adobe logo and download the free software now. If you are unable to view or download an application, please contact us by telephone or e-mail. Providing your complete mailing address will enable us to mail you the application.

Other application forms may be mailed to you or picked up at a division office. Completed applications must be signed and submitted to the division with the appropriate fees.

# ALASKA STATE LEGISLATURE

## State Representative Bob Herron

Official Business



State Capitol  
Juneau, Alaska  
99801-1182

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### HOUSE BILL 110

#### "Psychologists' Licensing and Practice"

#### Questions and Answers

##### What does HB 110 do?

Two things. Section 1 is a simple efficiency measure, to ease the licensing process. When current statute was written, the Board of Psychologists and Psychological Associates Examiners offered the qualifying exam only once every six months. It is now offered every three months. This change to AS 08.86.162 will allow applicants who need to re-take the exam to do so in a more timely manner.

Section 2 clarifies who is subject to regulation by the Board, and who is not. It takes away very vague language (a person employed "by a governmental unit, educational institution or private agency who may be required to engage in some phase of work of a psychological nature in the course of the person's employment"), and replaces it with more specific groups:

- 1) School psychologists under the supervision of their employing districts. These professionals do not fall under the purview of the Board of Psychologists and Psychological Associate Examiners. School psychology is a unique field of study, separate from general psychology. In Alaska, school psychologists are licensed and regulated by the state's Department of Education and Early Development.
- 2) Federal officers and employees, *while performing official job duties*. The State does not have the authority to regulate the official work of the Federal government. It is important to note this exemption applies only while the individual in question is performing official duties.

Other exemptions to Board regulation currently in statute will remain untouched for:

- Properly supervised psychology students, interns, and residents in a board-approved course of study.
- Other mental health professionals whose work is also of a psychological nature, as long as they do not publicly claim to be a psychologist. – Examples: Licensed Professional Counselors (regulated by the Board of Professional Counselors), Marital and Family Therapists (regulated by the Board of Marital and Family Therapy), and Licensed Clinical Social Workers (regulated by the Board of Social Work Examiners). For further information on the qualifications these professions require in Alaska, please see the attached Mental Health Provider Comparison chart.

### **Who does HB 110 affect?**

HB 110 affects only individuals seeking licensure by the Board of Psychologist and Psychological Associate Examiners, and people who may publicly claim to be psychologists but do not have the required board-issued license.

Other licensed mental health professionals doing work within their scope of practice and in accordance with their own profession's ethics code (including various State of Alaska employees) are *not* impacted by the HB 110. Volunteers serving in either secular or faith-based peer support programs are *not* impacted by HB 110.

### **What differentiates a psychologist's work from the work of other types of licensed professionals whose work may also be of a "psychological nature"?**

Psychologists are the only professionals who can purchase, perform, evaluate, and interpret psychological tests. Counseling (or "psychotherapy") is a specialty area for psychologists, but it is not necessarily an area of expertise for all psychologists in the way it is for Licensed Professional Counselors or Marital and Family Therapists.

### **Is there a difference between a "psychologist" and a "school psychologist"?**

Yes. School psychology is its own unique field of study. Educational programs in school psychology are accredited by different organizations than are educational programs in "psychology". In Alaska, as in many other states, school psychologists are also licensed and regulated by the state's Department of Education and Early Development. They are not licensed to practice independently, but rather to perform work under supervision of the employing school districts, within district facilities. School psychologists are not subject to the authority of AS 08.86 or the Board of Psychologist and Psychological Associate Examiners, and therefore will not be impacted by passage of HB110.

# Alaska Mental Health Providers: Pre-Licensure Requirements

## Psychologists

Regulated by the Board of Psychologist and Psychological Associate Examiners

Per AS 08.86.130:

1. Doctorate degree in psychology from a program that meets the Board's criteria in clinical psychology, counseling psychology, or a specialty deemed equivalent by the Board,
2. Has not engaged in dishonorable conduct related to the practice of counseling or psychometry, and
3. Has one year of post doctoral supervised experience approved by the Board.

## Psychological Associates

Regulated by the Board of Psychologist and Psychological Associate Examiners

Per AS 08.86.160 and AS 08.86.162:

1. Masters degree in psychology from a program that meets the Board's criteria in clinical psychology, counseling psychology, or a specialty deemed equivalent by the Board,
2. Has not engaged in dishonorable conduct related to the practice of counseling or psychometry,
3. Has two years of post master's supervised experience approved by the Board, and
4. Passes the Board-approved objective examination for psychological associates.

Qualifications to sit for the Psychologist Associate Examination:

- a) Number 1, above.
- b) Number 2, above, including the equivalent of at least 48 semester credit hours of graduate course work directly related to a specialized area of psychology,
- c) Recommendation by an immediate supervisor, and
- d) Has not failed the exam within the previous six months.\*

*\*HB 110 also seeks to remove the six month requirement.*

## School Psychologists

Regulated by the Alaska Department of Education and Early Development, not subject to changes made by HB 110.

1. Masters or Doctoral degree in school psychology, and
2. Recommendation for endorsement by an institution whose program has been approved by:
  - a) The National Council for Accreditation of Teacher Education,
  - b) The National Association of State Directors of Teacher Education and Certification,
  - c) The National Association of School Psychologists, or
  - d) The American Psychological Association, and
3. Completes a 1,200 hour internship in school psychology;

OR

Be a nationally certified school psychologist under the National School Psychologist Certification System established by the National Association of School Psychologists.

Courtesy of Representative Herron  
State Capitol, Room 411, (907) 465.4942

# Alaska Mental Health Providers: Pre-Licensure Requirements

## Licensed Professional Counselors

*Regulated by the Board of Professional Counselors, not subject to changes made by HB 110.*

Per AS 08.29.010:

1. Age 18 or older,
2. Is not under investigation related to the practice of counseling,
3. Does not have a license related to the practice of counseling, psychology, marital and family therapy, or social work suspended, revoked, or surrendered,
4. Has passed a written exam approved by the Board,
5. Has completed either:
  - a) A Doctoral degree in counseling or a related field, or
  - b) A Masters degree in counseling or a related field, and at least 60 graduate semester hours in counseling during or after earning the Master's degree, and
6. Has at least 3,000 hours of post-degree supervised counseling experience, performed over a period of at least two years.

## Marital and Family Therapists

*Regulated by the Board of Marital and Family Therapy, not subject to changes made by HB 110.*

Per AS 08.63.100:

1. Has not engaged in dishonorable conduct,
2. Master's or Doctorate degree in marital and family therapy or an allied mental health field from a Board-approved institution,
3. Has completed 1,500 hours of direct clinical contact with couple, individuals, and families. At least 200 of these hours must be supervised,
4. Has training related to domestic violence, and
5. Has passed a written or oral exam given by the Board.

## Licensed Clinical Social Workers

*Regulated by the Board of Social Work Examiners, not subject to changes made by HB 110.*

Per AS 08.95.110:

1. Has a Master's or Doctoral degree in Social Work,
2. Has completed, within 10 years of application, supervised by a licensed social worker, licensed psychologist, or licensed psychiatrist:
  - a) At least two years of continuous full time employment in postgraduate clinical social work, or
  - b) At least 3,000 hours of less than full-time employment in a period of not less than two years in postgraduate social work,
3. Shows good moral character,
4. Maintains good professional standing,
5. Provides three professional references, and
6. Completes the Board-issued examination.

Courtesy of Representative Herron  
State Capitol, Room 411, (907) 465.4942

# Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589



House District 38  
Kuskokwim & Johnson Rivers  
Kuskokwin Bay & Nelson Island

## Sponsor Statement

Akiachak

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Atmoutluak

Bethel

Chefornak

Eek

Goodnews Bay

Kasigluk

Kipnuk

Kongiganak

Kwethluk

Kwigillingok

Lower Kalskag

Mekoryuk

Mertarvik

Napakiak

Napaskiak

Newtok

Nightmute

Nunapitchuk

Oscarville

Platinum

Quinhagak

Toksook Bay

Tuluksak

Tununak

Tuntutuliak

Upper Kalskag

HB110 has the support of the Psychological Licensing Board as well as the Executive Board of the Alaska Psychological Association. Its main purpose is to clarify statutory language regarding the licensing of psychologists. Under current law, any mental health professional working in a government agency, private mental health clinic, or other mental health organization could potentially practice as a licensed psychologist. The Psychological Licensing Board believes that anyone working in any setting that is holding themselves out as a psychologist must have a psychological license. The bill, therefore, replaces the broader language with language to allow only school psychologists to be exempt. It also requires that the school district maintain appropriate supervision of the activities of the school psychologist. The bill also adds a section exempting an officer or employee of the US Gov't while executing official duties.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 17, 2009

**SUBJECT:** Sectional summary (HB 110; Work Order No. 26-LS0474\A)

**TO:** Representative Bob Herron  
Attn: Marianna Carpeneti

**FROM:** Alpheus Bullard *TLAB*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Removes language that prevented a person from taking a psychological associate examination if the person had failed an examination administered by the Board of Psychologist and Psychological Associate Examiners in the preceding six months.

**Section 2.** Clarifies that the state's laws regulating psychologists and psychological associates (AS 08.86) do not apply to (1) school psychologists performing duties within school district facilities for a school district employer and (2) officers or employees of the United States Government practicing psychology while in the discharge of their official duties.

**Section 3.** Changes the statutory definition of "to practice psychology," by providing that certain activities constitute the "practice of psychology" whether or not they are rendered or offered for a fee.

TLAB:plm  
09-180.plm

# Psychometrics

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)

*For the parapsychology phenomenon of distance knowledge, see [psychometry](#).*

*For the measurement of the heat and water vapor properties of air, see [psychrometrics](#).*

**Psychometrics** is the field of study concerned with the theory and technique of [educational](#) and [psychological measurement](#), which includes the measurement of knowledge, abilities, attitudes, and [personality](#) traits. The field is primarily concerned with the study of measurement instruments such as [questionnaires](#) and [tests](#). It involves two major research tasks, namely: (i) the construction of instruments and procedures for measurement; and (ii) the development and refinement of theoretical approaches to measurement.

person's out-of-state license or certificate were essentially similar to or higher than the examination and qualification requirements for licensure under this chapter;

(2) is a diplomate in good standing of the American Board of Professional Psychology; or

(3) is certified or registered with a credentialing organization in psychology approved by the board in regulation and with requirements essentially similar to or higher than the requirements for licensure under this chapter. (§ 1 ch 136 SLA 1967; am § 10 ch 58 SLA 1980; am § 3 ch 29 SLA 1983; am § 4 ch 63 SLA 1986; am § 7 ch 36 SLA 2005)

**Effect of amendments.** — The 2005 amendment, effective June 3, 2005, added paragraph (3) and made a related stylistic change.

**Article 4. Licensing of Psychological Associates.**

<b>Section</b>	<b>Section</b>
160. Licensing requirements	164. Scope of practice by associate
162. Qualifications for associates' examination	166. Temporary license

**Administrative Code.** — For experience and education, see 12 AAC 60, art. 2.  
For examinations, see 12 AAC 60, art. 3.

**Sec. 08.86.160. Licensing requirements.** (a) The board shall issue a psychological associate license to a person who

(1) holds an earned master's degree from an academic institution whose program of graduate study for a master's degree in psychology meets the criteria established by the board by regulation in

- (A) clinical psychology;
- (B) counseling psychology; or
- (C) education in a field of specialization considered equivalent by the board;

(2) has not engaged in dishonorable conduct related to the practice of counseling or psychometry;

(3) has two years of post master's supervised experience approved by the board; and

(4) takes and passes the objective examination developed or approved by the board for psychological associates.

(b) 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. (§ 5 ch 65 SLA 1973; am § 4 ch 51 SLA 1996)

**Effect of amendments.** — The 1996 amendment, effective September 4, 1996, rewrote this section.

**NOTES TO DECISIONS**

Applied in *Allred v. State*, 554 P.2d 411 (Alaska 1976).

**Sec. 08.86.162. Qualifications for associates' examination.** A person is entitled to take a psychological associate examination if the board finds that the person:

(1) has not engaged in dishonorable conduct related to the practice of counseling or psychometry;

shall issue a psychologist  
institution whose program of  
criteria established by the  
  
nt by the board;  
practice of counseling or  
  
roved by the board; and  
approved by the board.  
d or approved academic  
program has not been  
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a temporary license to a  
(2). A temporary license  
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am § 2 ch 38 SLA 1970;  
94 SLA 1987)

licensed or certified as  
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(2) holds a master's degree with primary emphasis on psychology from an academic institution whose program of graduate study for a master's degree in psychology meets the criteria established by the board by regulation, with the equivalent of at least 48 semester credit hours of graduate course work directly related to a specialized area of psychology in which licensure is requested, including a practicum;

(3) *[Repealed, § 11 ch 51 SLA 1996.]*

(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. (§ 5 ch 65 SLA 1973; am §§ 11, 12, 21 ch 58 SLA 1980; am § 5 ch 63 SLA 1986; am § 2 ch 21 SLA 1992; am § 11 ch 51 SLA 1996)

**Revisor's notes.** — The definition of "supervised experience" in former (3) of this section was enacted as an amendment to AS 08.86.230(11). Renumbered in 1980.

**Effect of amendments.** — The 1996 amendment, effective September 4, 1996, repealed paragraph (3).

**NOTES TO DECISIONS**

**Applied** in *Allred v. State*, 554 P.2d 411 (Alaska 1976).

**Sec. 08.86.164. Scope of practice by associate.** (a) A psychological associate shall be licensed to provide psychological services within the nature and extent of the psychological associate's training and experience as defined in regulation.

(b) *[Repealed, § 11 ch 51 SLA 1996.]*

(c) *[Repealed, § 11 ch 51 SLA 1996.]*

(d) *[Repealed, § 11 ch 51 SLA 1996.]*

(e) *[Repealed, § 11 ch 51 SLA 1996.]* (§ 13 ch 58 SLA 1980; am § 6 ch 63 SLA 1986; am §§ 5, 11 ch 51 SLA 1996)

**Effect of amendments.** — The 1996 amendment, effective September 4, 1996, in subsection (a), substituted "to provide psychological services within" for "for specific activities or areas of competence as deter-

mined by" and "as defined in regulation" for "and those areas shall be specified on the license" and repealed subsections (b)-(e).

**Sec. 08.86.166. Temporary license.** The board may issue a temporary license to a person who meets the requirements of AS 08.86.160(a)(1), (2), and (4). A temporary license issued under this section is valid only for the time period identified in the person's plan for the purpose of obtaining supervised experience to meet the requirement of AS 08.86.160(a)(3). (§ 6 ch 51 SLA 1996)

**Article 5. Prohibitions and Penalties.**

**Section**

- 170. Use of title
- 180. Practice of psychology
- 190. Name under which person practices
- 200. Confidentiality of communication

**Section**

- 204. Grounds for imposition of disciplinary sanctions
- 210. Penalty
- 220. Limits or conditions on license; discipline

**Administrative Code.** — For rules of professional conduct, see 12 AAC 60, art. 4.

**Sec. 08.86.170. Use of title.** (a) Unless licensed under this chapter, a person may not use the title "psychologist" or a title, designation, or device indicating or tending to indicate that the person is a psychologist or practices psychology.

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a temporary license to a 2), and (4). A temporary identified in the person's at the requirement of AS

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(b) Unless licensed under this chapter, a person may not use the title "psychological associate" or a title, designation, or device indicating or tending to indicate that the person is a psychological associate or practices counseling or psychometrics. (§ 1 ch 136 SLA 1967; am § 6 ch 65 SLA 1973)

**Cross references.** — For professional designation requirements for psychologists, see AS 08.02.010.

NOTES TO DECISIONS

Applied in Allred v. State, 554 P.2d 411 (Alaska 1976).

**Sec. 08.86.180. Practice of psychology.** (a) Unless licensed under this chapter, a person may not practice psychology or hold out publicly as a psychologist or as practicing psychology. A person holds out as a psychologist by using a title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychometry," "psychotherapy," "psychotherapeutic," "psychotherapist," "psychoanalysis," or "psychoanalyst" or when holding out publicly to be trained, experienced, or qualified to render services in the field of psychology.

(b) This section does not apply to

(1) a person employed by a governmental unit, educational institution or private agency who may be required to engage in some phase of work of a psychological nature in the course of the person's employment, if the employer maintains appropriate supervision of psychological activities and professional conduct, and if the person is performing the psychological activities as part of the duties for which the person was employed, is performing the activities solely within the facilities of the organization in which the person is employed or under the supervision of the organization in which the person is employed, and does not render or offer to render psychological services to the public for compensation in addition to the salary the person receives from the organization;

(2) a student, intern, or resident in psychology pursuing a course of study approved by the board as qualifying training and experience for a psychologist, if that person's activities constitute a part of that person's supervised course of study and that person is designated by titles such as "psychology intern" or "psychology trainee";

(3) a qualified member of another profession, in doing work of a psychological nature consistent with that person's training and consistent with the code of ethics of that person's profession, if the person does not hold out to the public by a title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychometry," "psychotherapy," "psychotherapeutic," "psychotherapist," "psychoanalysis," or "psychoanalyst" or represent to be trained, experienced, or qualified to render services in the field of psychology.

(4) [Repealed, § 15 ch 65 SLA 1973.] — psychiatrists

(5) a physician engaged in the normal practice of medicine for which the physician is licensed under AS 08.64.

(c) Nothing in this chapter authorizes a person licensed as a psychologist to engage in the practice of medicine, as defined by the laws of the state.

(d) Nothing in this section prohibits a licensed clinical social worker, a licensed marital and family therapist, or a licensed professional counselor from holding out to the public by a title or description of services incorporating the words "psychoanalysis," "psychoanalyst," "psychotherapy," "psychotherapist," or "psychotherapeutic." (§ 1 ch 136 SLA 1967; am § 10 ch 69 SLA 1970; am §§ 7, 15 ch 65 SLA 1973; am §§ 14, 15 ch 58 SLA 1980; am §§ 4, 5 ch 29 SLA 1983; am § 1 ch 77 SLA 2006)

**Effect of amendments.** — The 2006 amendment, effective September 17, 2006, substituted "licensed clinical social worker, a licensed marital and family therapist, or a licensed professional counselor" for "clinical social worker," and inserted "psychoanalysis," "psychoanalyst," in subsection (d).

**Collateral references.** — Psychologist, 81 ALR2d 791.

*Sec. 08.86.185. Practice of counseling and psychometrics. [Repealed, § 24 ch 58 SLA 1980. For current law, see AS 08.86.180.]*

**Sec. 08.86.190. Name under which person practices.** (a) A licensed psychologist may practice psychology only under that person's own name.

(b) A licensed psychological associate may practice counseling or psychometry only under that person's own name. (§ 1 ch 136 SLA 1967; am § 9 ch 64 SLA 1973)

#### NOTES TO DECISIONS

**Applied** in *Allred v. State*, 554 P.2d 411 (Alaska 1976).

**Sec. 08.86.200. Confidentiality of communication.** (a) A psychologist or psychological associate may not reveal to another person a communication made to the psychologist or psychological associate by a client about a matter concerning which the client has employed the psychologist or psychological associate in a professional capacity. This section does not apply to

(1) a case conference with other mental health professionals or with physicians and surgeons;

(2) a case in which the client in writing authorized the psychologist or psychological associate to reveal a communication;

(3) a case where an immediate threat of serious physical harm to an identifiable victim is communicated to a psychologist or psychological associate by a client;

(4) disclosures of confidential communications required under Rule 504, Alaska Rules of Evidence; or

(5) proceedings conducted by the board or the department where the disclosure of confidential communications is necessary to defend against charges that the psychologist or psychological associate has violated provisions of this chapter; information obtained by the board or department under this paragraph is confidential and is not a public record for purposes of AS 40.25.110 — 40.25.140.

(b) Notwithstanding (a) of this section, a psychologist or psychological associate shall report to the appropriate authority incidents of child abuse or neglect as required by AS 47.17.020, incidents of abuse of a vulnerable adult as required by AS 47.24.010, and incidents of abuse of disabled persons disclosed to the psychologist or psychological associate by a client. In this subsection "disabled person" means a person who has a physical or mental disability or a physical or mental impairment, as defined in AS 18.80.300. (§ 1 ch 136 SLA 1967; am § 10 ch 65 SLA 1973; am § 7 ch 63 SLA 1986; am §§ 1, 2 ch 102 SLA 1988; am § 1 ch 129 SLA 1994; am § 7 ch 51 SLA 1996)

**Revisor's notes.** — In 2000, "AS 40.25.110 — 40.25.140" was substituted for "AS 09.25.110 — 09.25.140" to reflect the 2000 renumbering of AS 09.25.110 — 09.25.140.

**Effect of amendments.** — The 1994 amendment, effective July 9, 1994, substituted "abuse of a vulnerable adult" for "elder abuse" in the first sentence in subsection (b).

The 1996 amendment, effective September 4, 1996, in subsection (a), substituted "mental health professionals" for "psychologists, psychological associates" in paragraph (1) and added the semicolon and the language following it at the end of paragraph (5).

#### NOTES TO DECISIONS

**Enactment as "anti-gossip" measure.** — For case discussing enactment of this section as an "anti-gossip" measure rather than as creation of a statutory privilege in criminal cases, see *Allred v. State*, 554 P.2d 411 (Alaska 1976).

**Assertion of insanity defense waives privilege.** — The psychotherapist-patient privilege is waived by the assertion of a defense of insanity as to communications which are relevant to that defense. *Post v. State*, 580 P.2d 304 (Alaska 1978).

**Marianna Carpeneti**

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**From:** Laughlin, Wilda J (HSS) [wilda.laughlin@alaska.gov]  
**Sent:** Tuesday, March 17, 2009 12:32 PM  
**To:** Marianna Carpeneti  
**Cc:** Casto, L Diane (HSS)  
**Subject:** HB 110

Mari,

In response to your question regarding department comments on HB 110, the Department of Health and Social Services has reviewed these recommended changes and does not believe they will impact our department or our community-based provider system in their ability to provide quality work of a psychological nature.

Wilda Laughlin, DHSS Legislative Liaison  
Juneau: 907-465-1613  
Cell: 907-723-3802

**Bradbury Psychological Services**  
**P.O. Box 1748**  
**Bethel, AK 99559**  
**Ph. (907) 543-3266**  
**FAX (907) 543-4767**  
**E-mail: lorin192@unicom-alaska.com**

February 11, 2009

Representative Bob Herron  
State Capitol  
Juneau, AK 99801-1182

Re: HB 110

Dear Mr. Herron:

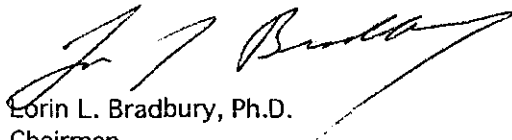
This letter is in support of HB 110, which has the support of both the Board of Psychologist and Psychological Associate Examiners, and the Alaska Psychological Association. The most substantial change by passage of this bill will be to AS 08.86.180(b). Passage of this bill is clearly in the best interest of the public because it provides the level of protection to the public that was originally intended by the passage of a licensing law for psychologists.

As the law currently stands, it has led some to believe that AS 08.86.180(b)(1) exempts a variety of individuals who might be eligible for licensure from the requirement of licensure. Passage of HB 110 will more clearly define who needs to obtain licensure.

Passage of this bill will not discriminate against school psychologists who are credentialed by the Department of Education, nor against those already exempted from licensure by federal law. Also, it will not negatively impact other mental health professionals because they are already protected under AS 08.86.180(b)(5) and (d).

Thank you for your support of this very worthy piece of legislation.

Sincerely,



Lorin L. Bradbury, Ph.D.  
Chairman  
Board of Psychologist and Psychological Associate Examiners

Alaska Psychological Association

*Advancing psychology as a science, profession, and means of promoting human welfare*

P.O. Box 241292  
Anchorage, Alaska 99524  
ak-pa.org  
(907) 344-8878

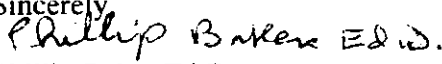
2/26/08

Lorin Bradbury Ph.D.  
Chairperson  
Board of Psychologists and Psychological  
Associate Examiners

Dear Dr. Bradbury;

The Executive Board of the Alaska Psychological Association voted unanimously at its February 11<sup>th</sup> meeting to support the efforts of the Psychological Licensing Board to modify the language of the Psychology Licensing Law that describes who can call themselves Psychologists or advertise themselves as Psychologists. Currently in the Scope of practice section of our license, any mental health professional working in a government agency, private mental health clinic or other mental health organization could potentially practice as a licensed psychologist and advertise themselves as such in providing psychological evaluations, psychological testing and related psychological reports to the public or other agencies. The Alaska Psychological Association Executive Board appointed Phillip Baker Ed.D. And Robert Lane Ph.D. to work with the Psychological Licensing Board to help prepare and testify in new legislation to close this loop hole. We feel that anyone working in any setting that is holding themselves out as a psychologist, **MUST HAVE A PSYCHOLOGIST LICENSE.**

This letter was written to display the support of our professional organization for this proposed legislation. If there are further questions about this letter, please direct them to Dr. Phillip Baker Ed.D., Legislative Chair Person for the Alaska Psychological Association. Dr. Baker's telephone number is: (907) 562-2392. His email address is:

Sincerely,  
  
Phillip Baker Ed.D.  
Licensed Clinical Psychologist  
AK-PA Legislative Chairperson

# Model Act for State Licensure of Psychologists

As APA policy, the Model Act serves as a prototype for drafting state legislation regulating the practice of psychology. State legislatures are encouraged to use the language of this document and the policies that it espouses as the model for their own state licensure law. Inevitably each state law will reflect compromises and changes particular to that state, but the APA Model Act is meant to serve as a guide for those involved in the drafting process. State licensing boards must develop their own rules and regulations to supplement the legislation proposed here.

This is the fourth set of guidelines for state legislation regulating the practice of psychology that has been developed by the American Psychological Association (APA). The first model for such regulation was developed and adopted as APA policy in 1955 (APA, 1955).

The 1955 guidelines stood for 12 years, during which the number of states enacting licensure legislation grew from 9 to 32. In 1967 the APA Committee on State Legislation (COSL) prepared the first revision of the guidelines. That revision was more comprehensive, provided more detailed guidance, and covered more issues relating to regulation of the practice of psychology, while reaffirming the basic concept found in the 1955 model (APA, 1967).

By 1977 all states and the District of Columbia had enacted licensure legislation. APA's Council of Representatives then determined that the model approved in 1967 was outdated and directed COSL to undertake a revision. However, in January 1979 the Council of Representatives failed to approve the revised model guidelines, leaving the 1967 guidelines to remain as APA policy.

In 1984 the Council of Representatives directed the Board of Professional Affairs (BPA) to develop another revision of the existing 1967 model for the Council's consideration. BPA, in turn, directed its Committee on Professional Practice (COPP) to prepare it.

A COPP subcommittee undertook this effort. Its early drafts were based on a review of the comments provided by APA governance units and divisions regarding the 1979 COSL proposal. Specific recommendations were received from the Board of Directors (B/D) Subcommittee on the Future of Professional Psychology in April 1985. Numerous drafts were subsequently developed and revised based on comments provided by members of COPP and BPA, the American Association of State Psychology Boards, individual psychologists from around the country and Canada, relevant APA divisions and governance groups, unaffiliated psychology interest groups, and APA legal counsel. This document, Draft 14, is the result of three years of continual discussion, review, and compromise by many concerned and dedicated APA members. It was passed unanimously by the Council of Representatives on February 7, 1987.

Each section of the proposed Model Act is introduced by commentary, the purpose of which is to explain the rationale for the proposed section that follows. To differentiate between the commentary and the proposed statutory language, the latter is set in smaller type.

## A. Declaration of Policy

This section declares that the intent of legislation for state licensure of psychologists is to ensure the practice of psychology in the public interest. The consumer should be assured that psychological services will be provided by qualified professionals. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology.

The practice of psychology in (name of state) is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

## B. Definitions

Definitions provide consistent interpretation throughout the Act without unnecessary repetition of terms. Thus *Board* once defined in this section can subsequently be cited with the same meaning as presented in the definition.

In defining *institution of higher education*, professional schools are included as a result of a number of suggestions to recognize these institutions' growing contributions to the education and training of professional psychologists. It is further recognized that many foreign institutions prepare psychologists for professional practice, and provision should be made to accommodate them in Board regulations.

In 1979, the definition of the *practice of psychology* appeared to be the major obstacle that prevented passage of the Committee on State Legislation's (COSL) guidelines. A predominant concern in defining the practice of psychology for the purpose of licensure is to describe psychological services adequately. These services must be specified in order to identify clearly the areas of psychological services, provided to individuals or groups of individuals, that require qualified and sound professional psychological practice. The final definition in this section deals with the term *psychologist* as it applies to the Act in the provision of psychological services. The title "psychologist" is also used by psychologists who are exempt from licensure as specified in Section J of this Act in their roles as teachers, researchers, and consultants to or employees of organizations.

1. *Board* means the (name of state) State Board of Examiners of Psychologists.

2. *Institution of higher education* means any regionally accredited institution of higher education in the United States, including a professional school, that offers a full-time doctoral course of study in psychology that is acceptable to the Board. For Canadian universities, it means an institution of higher education that holds recognized membership in the Association of Universities and Colleges of Canada.
3. *Practice of psychology* is defined as the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered. (See Section J for exemptions.)
4. *Psychologist*: A person represents himself or herself to be a psychologist if that person uses any title or description of services incorporating the words *psychology*, *psychological*, or *psychologist*, or if he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Act.

### C. State Board of Examiners of Psychologists

Legislation concerning the membership of the Board of Examiners should designate a sufficient number of members to accomplish the work of the Board, as well as make provisions for the appointment of public members. The appointing authority shall ensure that specialties in psychology are represented, as well as trainers and practitio-

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The Model Act was developed over a period of three years, and was largely the work of Jarold R. Niven and Norma P. Simon, both members of the Board of Professional Affairs' Committee on Professional Practice (COPP). In the last year major revisions were accomplished by a COPP subcommittee chaired by Norma P. Simon and consisting of Jarold R. Niven, R. Mark Mays, David H. Reilly, and Tommy T. Stigall. As a member of the Board of Directors Subcommittee on the Future of Professional Psychology, Carl N. Zimet played a major role in the coordination process. Other COPP members who worked on the project over the three years include Jean L. Balinky, Jacob Chwast, Herbert Dorken, G. Rita Dudley, Thomas J. Hefele, Hannah R. Hirsh, Robert J. Resnick, and Castellano B. Turner. Bev Hitchins served as staff liaison to the project with the support of Patricia J. Aletky, Paul D. Nelson, and Russ Newman.

Correspondence concerning this document should be addressed to Office of Professional Affairs, American Psychological Association, 1200 17th St., NW, Washington, DC 20036.

ners. A minimum of five psychologists plus one public member is recommended.

The addition of public (consumer) members on boards is a recognition of the impact of consumerism on the current functioning of boards. The involvement of the public in Board affairs can be of great value to both psychology and the public and should be viewed as an opportunity to enhance the stature of psychology with the public.

Obviously, members should be appointed at staggered times so that the entire group of members is not replaced at any one time.

There is hereby created the (*name of state*) State Board of Examiners of Psychologists. The Board shall consist of minimally five licensed psychologists and one public member. At least two members shall be engaged full-time in the doctoral teaching and training of psychologists, and at least two members shall be engaged full-time in the professional practice of psychology. Psychologist Board members shall be licensed to practice in this state.

Each psychologist serving on the Board shall have a minimum of five years of postlicensure experience. Board members shall reflect a diversity of practice specialties.

Board members shall be appointed who are free from conflicts of interest in performing the duties of the Board. A public member shall not be a psychologist, an applicant or former applicant for licensure as a psychologist, a member of another health profession, or a member of a household that includes a psychologist, or otherwise have conflicts of interest or the appearance of such conflicts with duties as Board members. Appointments to the Board shall be made by the duly constituted appointing authority in this state. The appointing authority in this state shall solicit nominations from psychological organizations and licensed psychologists in this state. The term of office shall be five years, with provision for reappointment for one additional term. Lengths of terms of Board members shall be staggered. The Board as first constituted shall have two members, including the public member, appointed for five years; one member appointed for four years; two members appointed for three years; and one member appointed for two years.

It is clear that the Board will need, from time to time, to adopt or delete rules and regulations to carry out the provisions of the Act that establish and enable the Board to operate. It is wise to have this authority clearly established within the Act.

In addition to the powers set forth elsewhere in this Act, the Board may adopt rules and regulations to carry out the provisions of this Act.

It is desirable for the Board to be self-supporting. Self-generated fees should be sufficient to cover all costs. This avoids the necessity of the Board's returning to the budgetary authority for approval each time fees must be increased in order for the Board to remain self-supporting. Boards should consider carefully the various elements of expense in establishing fees. Items such as overhead, examination costs, travel and per diem, disciplinary proceedings, and other expenses should be considered.

The Board shall, from time to time, establish reasonable fees for the issuance and renewal of licenses and its other services. Fees shall be set so as to defray the cost of administering the provisions of this Act, including applications, examinations, enforcement, and the cost of maintaining the Board.

It is important to have within the Act a statement that a member of the Board shall not be civilly liable for any act performed in good faith and within the scope of duties of the Board. It should be noted that such a statement does not pertain to any criminal charges brought against a member of the Board.

A member of the Board or any employee or agent of the Board shall not be held civilly liable for any act performed in good faith and within the scope of the duties of the Board.

#### **D. Requirements for Licensure**

This recommendation includes significant changes from the 1967 guidelines. It should be noted that terms such as *department of psychology* and *PhD* are explicitly excluded from the recommended wording.

There is a core of basic theory, principles, and accumulated knowledge that all professional psychologists should possess. Each practitioner must also master the specific skills and knowledge appropriate for the competent performance of psychological practice. The language of the model requires the Board to specify its criteria for acceptable professional education in psychology. In this regard, the Board will be guided by national standards.

This revision states that by 1995 all applicants for licensure must minimally be graduates of a regionally accredited institution of higher education and must have completed a training program accredited by the American Psychological Association. Where no accreditation exists, the applicant will be required to meet standards developed by the Board. These standards will be based on recognized standards for the area of competence. The law recognizes that new doctoral programs may be developed in newly or already recognized specialties of professional psychology. In such instances, the law affords those programs an eight-year period in which to achieve accreditation, during which the graduates of those programs may sit for licensure.

##### **1. Educational Requirements**

The Act recognizes the doctorate as the minimum educational requirement for entry into professional practice as a psychologist.

Applicants for licensure shall possess a doctoral degree in psychology from an institution of higher education. The degree shall be obtained from a recognized program of graduate study in psychology as defined by the rules and regulations of the Board.

By 1995 applicants for licensure shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA). In areas where no accreditation exists, applicants for licensure shall have completed a doctoral

program in psychology that meets recognized acceptable professional standards as determined by the Board. When a new specialty of professional psychology is recognized as being within the accreditation scope of the APA, doctoral programs within that specialty will be afforded a transition period of eight years from their first class of students to the time of their accreditation. During that transition period, graduates of such programs may sit for licensure examination whether or not the program has been accredited. The same principle applies as well to new doctoral programs of specialties previously recognized within the scope of APA accreditation.

Applicants trained in institutions outside the United States shall meet requirements established by the Board.

##### **2. Experience Requirements**

APA recommends that legislation requires one year of supervised experience subsequent to the granting of the doctorate. In rules and regulations, the Board must define acceptable supervised experience at the predoctoral and postdoctoral levels as well as mechanisms for evaluation of this experience. Psychologists are required to limit their practice to their demonstrated areas of professional competence. Experience should be compatible with training.

For admission to the licensure examination, applicants shall demonstrate that they have completed two years of supervised professional experience, one year of which shall be postdoctoral. The criteria for appropriate supervision shall be in accordance with regulations to be promulgated by the Board. Postdoctoral experience shall be compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice. Applicants shall be required to show evidence of good character, that is, that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed.

##### **3. Examinations**

APA recommends that the Act specify the requirements for examination and the conditions under which the Board is authorized to waive examination. All examinations serve the purpose of verifying that a candidate for licensure has acquired a basic core of knowledge in the discipline of psychology and can apply that knowledge to the problems confronted in the practice of psychology. Boards should clearly specify the conditions under which the endorsement of another license will be granted. 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 examination and shall require a written, and may require an oral examination of each candidate for licensure. The Board at its discretion, according to rules and regulations promulgated by the Board, may waive said examination of candidates for licensure.

##### **4. Prior Credentials**

APA recommends that the Act provide for continued licensure of persons already licensed as a psychologist at the time of enactment of a new law.

A person who is licensed as a psychologist under the provisions of (cite relevant section(s) of previous licensing law) as of the effective date of this Act shall be deemed to have met all requirements for licensure under this Act and shall be eligible for renewal of licensure in accordance with the provisions of this Act.

### **E. Interstate Practice of Psychology**

Psychologists may have legitimate interests in practicing in another jurisdiction for a limited amount of time. This section provides for limited practice in a jurisdiction other than the state in which the psychologist is licensed. The psychologist must have an earned doctoral degree in another jurisdiction.

Nothing in this Act shall be construed to prohibit the practice of psychology in this state by a person holding an earned doctoral degree in psychology from an institution of higher education who is licensed or certified as a psychologist under the laws of another jurisdiction, provided that the aggregate of sixty (60) days of professional services as a psychologist per year under the provision of this subsection is not exceeded.

### **F. Temporary Authorization to Practice**

This portion of the Act provides for the conditions under which a licensed psychologist may practice until obtaining licensure in another jurisdiction. Provision is also made for the Board to waive examination if the requirements met by the psychologist in the original jurisdiction are judged to be equivalent to those in this state.

A psychologist licensed or certified under the laws of another jurisdiction may be authorized by the Board to practice psychology as defined in this Act for a maximum of one year, provided that the psychologist has made application to the Board for licensure and has met the educational and experience requirements for licensure in this state. Denial of licensure terminates this authorization. The Board may choose to waive examination if a psychologist has been licensed in another jurisdiction on the basis of qualifications that are not less than those required for licensure in this state.

### **G. Limitation of Practice**

This provision of the Act is intended to ensure that licensed psychologists will not practice outside the limits of their competence. The burden of proof is on the applicant to provide evidence, acceptable to the Board, that the applicant has obtained the training necessary to engage in the practice of psychology in the specified area of competence. The Board may wish to develop forms that provide for the specification of the intended area of practice and the evidence necessary to document competence. This provision recognizes the broad areas of specialization (e.g., clinical, counseling, school, industrial/organizational) and emerging specialties (e.g., neuropsychology, environmental) and the variety of academic training as separate from proficiencies. It is expected that if the psychologist is trained in a broad specialty area, there are many proficiencies within that training that are possible areas of competence. This limitation is intended to ensure

that a psychologist trained in one area (e.g., experimental, developmental) will not practice in another area (e.g., counseling, industrial/organizational) without completing a retraining program.

The Board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience.

### **H. Inactive Status**

A psychologist who is on military assignment outside the state, suffering from health problems, on sabbatical, or who moves to another state may wish to be on inactive status. Relieving the psychologist from paying the fee will make it possible for that person to remain in good standing without being an active practitioner.

A psychologist in good standing who will not be practicing in the state for at least one year may petition the Board to have his or her license placed on inactive status without penalty. When such psychologist wishes to return to practice, an application shall be made to the Board, which shall reinstate him or her upon payment of the registration fee for the current year.

### **I. Practice Without a License**

The Act must clearly specify what constitutes a violation of law and what penalties may be imposed for practice without a license or for misrepresentation of oneself as a psychologist. State legislatures have the latitude to determine penalties for such illegal activities. Boards are provided with the authority to suspend or revoke licenses and to prescribe conditions for reinstatement.

It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to represent himself or herself as a psychologist. It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to engage in the practice of psychology as defined in this Act, whether practicing as an individual, firm, partnership, corporation, agency, or other entity.

Any person who shall represent himself or herself as a psychologist in violation of this Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a misdemeanor and shall be fined not less than \_\_\_ dollars and not more than \_\_\_ dollars and, in addition thereto, may be imprisoned for not more than \_\_\_ months. Each day such person shall practice psychology without meeting all the requirements of all laws now in force and of this Act shall constitute a separate offense. Any person filing or attempting to file, as his or her own, a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree.

Whenever a license to practice as a psychologist in the state has been suspended or revoked, it shall be unlawful for the person whose license has been so suspended or revoked to practice psychology in this state. The Board may issue, with or without reexamination, a new license whenever it deems such course safe and just.

The Board on its own motion may investigate any evidence or

allegation that appears to show that any person is or may be in violation of any provision of this Act.

## J. Exemptions

1. There should be an exemption from licensure for persons engaged solely in teaching, research, or provision of psychological services to organizations, because such activities are unlikely to pose a risk of immediate harm to the public health or welfare. For example, an organizational psychologist providing consultation to business in order to improve efficiency, a teacher of child development courses at a university, a researcher in the field of sleep disorders, and a social psychologist researching group behavior in stressful situations would all be exempt. The exemption should not be determined on the basis of work setting or place of primary employment, but on the basis of the purpose of the activity as defined in Section B3 (Practice of psychology). The exemption should not be allowed if the individual engages in the direct delivery or supervision of psychological services to individuals or groups of individuals in any setting. Persons engaged in teaching, research, or the provision of psychological services to organizations should not be excluded from licensure if they meet the statutory requirements for licensure.

Nothing in this Act shall be construed to prevent the teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions, provided that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services, without regard to the source or extent of payment for services rendered. Nothing in this Act shall prevent the provision of expert testimony by psychologists who are otherwise exempted by this Act. Persons holding an earned doctoral degree in psychology from an institution of higher education may use the title "psychologist" in conjunction with the activities permitted by this subsection.

2. Members of other established professions, such as physicians, attorneys, and clergy, may provide services that are similar or related to the scope of practice of psychology. They should be exempted from licensure on the condition that they not represent themselves to be psychologists.

Nothing in this Act shall be construed to prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics, provided that they do not represent themselves to be psychologists. Duly recognized members of the clergy shall not be restricted from functioning in their ministerial capacity, provided that they do not represent themselves to be psychologists.

3. It is recognized that school psychologists who are certified by the state education agency are permitted to use the term *school psychologist* or *certified school psychologist* as long as they are practicing in the public schools.

Individuals who have been certified as school psychologists by the (*cite relevant state education authority or statutory provisions*) shall be permitted to use the term "school psychologist" or "certified school psychologist." Such persons shall be restricted in their practice to employment within those settings under the purview of the state board of education. By 1995 such exempted persons should be certificated by the state board of education on the basis of having completed a program for the preparation of school psychologists that is accredited by a specialized professional accrediting body recognized by the Council on Postsecondary Accreditation.

4. Graduate students, interns, postdoctoral trainees, and applicants for licensure are permitted to function under the supervision of a licensed psychologist, as are assistants not eligible for licensure in some states. None may use the title psychologist, but titles such as *psychological trainee*, *psychological intern*, *psychological resident*, and *psychological assistant* would be permissible under this exemption. The supervising psychologist is responsible for the actions of the student, trainee, or assistant. The Board is required to adopt regulations defining the nature and extent of training for qualified assistants and supervision for each category.

Nothing in this Act shall be construed to prevent persons from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist." Such persons may use the terms "psychological trainee," "psychological intern," "psychological resident," and "psychological assistant" and provided further that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the Board. Nothing in this section shall be construed to apply to any person other than:

- (a) a matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;
- (b) an individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act; or
- (c) a qualified assistant employed by, or otherwise directly accountable to, a licensed psychologist. The Board in regulations shall determine the number of assistants that a psychologist may employ and the conditions under which they will be supervised.

## K. Grounds for Suspension or Revocation of Licenses

In order to have an effective law, the Board must have the power to suspend and revoke a license. In the previous guidelines, the offenses requiring suspension or revocation were not specified. Many state laws specify these offenses. Actions that are a violation of the standards subscribed to by the Board should be clearly stated in the licensing law. Two considerations are specified below that refer to specific points in the text that follows:

## 1. Concerning Numbers 6 and 7

The Board shall specify, in rules and regulations, criteria for determining how long or under what conditions an individual or group of individuals remains a patient or a client.

## 2. Concerning Number 17

In this section, physical condition shall be differentiated from physical disability. There is no intent to obstruct physically disabled candidates' entry into the profession of psychology nor from practicing their profession after licensure as long as they practice with reasonable skill and safety to patients or clients.

A psychologist and anyone under his or her supervision shall conduct his or her professional activities in conformity with ethical and professional standards promulgated by the Board under its rules and regulations.

The Board shall have the power and duty to suspend, place on probation, or require remediation for any psychologist for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology or to take any other action specified in the rules and regulations whenever the Board shall find by a preponderance of the evidence that the psychologist has engaged in any of the following acts or offenses:

1. fraud in applying for or procuring a license to practice psychology;
2. immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the Board;
3. practicing psychology in such a manner as to endanger the welfare of clients or patients;
4. conviction of a felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);
5. conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;
6. harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
7. engaging in sexual intercourse or other sexual contact with a client or patient;
8. use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education, training, and experience;
9. gross malpractice or repeated malpractice or gross negligence in the practice of psychology;
10. aiding or abetting the practice of psychology by any person not licensed by the Board;
11. conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence);
12. exercising undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;
13. the suspension or revocation by another state of a license to practice psychology (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof);

14. refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;

15. making any fraudulent or untrue statement to the Board;

16. violation of the code of ethics adopted in the rules and regulations of the Board; and

17. inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

When the issue is whether or not a psychologist is physically or mentally capable of practicing psychology with reasonable skill and safety to patients or clients, then, upon a showing of probable cause to the Board that the psychologist is not capable of practicing psychology with reasonable skill and safety to patients, the Board may petition a court of competent jurisdiction to order the psychologist in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. Such psychologist and/or physician is to be designated by the court. The expense of such examination shall be borne by the Board. Where the psychologist raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist shall be permitted to obtain his or her own evaluation at the psychologist's expense. If the objectivity or adequacy of the examination is suspect, the Board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every psychologist licensed to practice psychology in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

## L. Board Hearings and Investigations

In the interest of protecting the public, the Board must have authority to regulate the practice of psychology. This section specifies the powers and duties of the Board to conduct investigations, hold hearings, consider evidence or allegations brought against a psychologist, and to discipline a licensee for violation of law or regulation. Both the Board and licensee are required to follow due process standards in any disciplinary proceeding.

The Board on its own motion may investigate or cause to be investigated any allegation or evidence that appears to show that a psychologist licensed to practice in this state is, or may be, in violation of this Act or of any of the acts, offenses, or conditions set forth by the Board in rules and regulations.

The Board shall have the power and duty to suspend, place on probation, or require remediation for a licensee for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology, whenever the licensee shall be found by the Board, by a preponderance of the evidence, to have engaged in conduct prohibited by this Act or rules and regulations duly promulgated pursuant thereto.

Any psychologist holding a license to practice in this state is required to report to the Board any information such psychologist in good faith may have that appears to show that any psychologist holding a license to practice in this state may be in violation of this Act or guilty of any of the acts, offenses, or

conditions set forth by the Board. Any psychologist who in good faith makes such a report to the Board shall be absolutely immune from civil liability to any person for any statement or opinion made in such report.

If, in the opinion of the majority of the Board, there is probable cause that the information provided to it under the provisions of this section may be valid, the Board shall request by registered mail a formal interview with the psychologist. If the psychologist who is ordered to a formal interview before the Board refuses to appear for such interview, such refusal shall be considered grounds for the Board, at its discretion, to suspend or revoke the license of such psychologist. Any proceeding for suspension or revocation of a license to practice as a psychologist in this state shall be conducted in accordance with procedures established by the Board. The psychologist shall be informed of his or her rights concerning Board hearings and investigations:

1. the right to notice and hearing;
2. the right to self-representation or representation by counsel;
3. the right to produce witnesses and to confront and cross-examine opposing witnesses;
4. the right to a written decision setting forth the violation, findings of fact, sanctions, and reasons for the sanctions;
5. a determination of the size of the vote necessary to find a violation;
6. a determination whether the hearing will be closed or open to the public; and
7. the right to an appeal to an administrative board of review and/or to a court of competent jurisdiction.

The licensee may knowingly and voluntarily waive his or her right to the formal adversary proceeding described in this section.

The Board shall have the right to conduct an *ex parte* hearing if, after due notice, the individual fails or refuses to appear. The Board shall have the right to issue subpoenas for production of documents and witnesses and to administer oaths. The Board shall have the right to apply to a court of competent jurisdiction to take appropriate action should a subpoena not be obeyed.

The Board shall temporarily suspend the license of a psychologist without a hearing simultaneously with the institution of proceedings for a hearing provided under this section if the Board finds that evidence in its possession indicates that the psychologist's continuation in practice may constitute an immediate danger to the public. Appropriate officials may petition the court for an injunction barring further practice unless or until the person is properly licensed. The injunction may be issued in addition to, or in lieu of, the criminal sanctions provided for in this section.

A psychologist may surrender his or her license when such person is charged with unethical conduct and upon receipt of that charge, that person decides to surrender the license, such surrender and acceptance by the Board shall constitute acknowledgment by the psychologist of guilt as charged.

A psychologist may request in writing to the Board that a restriction be placed upon his or her license to practice as a psychologist. The Board, in its discretion, may accept a surrender or grant such a request for restriction and shall have the authority to attach such restrictions to the license of the psychologist to practice psychology within this state or otherwise to discipline the licensee.

Subsequent to the holding of a hearing and the taking of evidence by the Board as provided for in this section, if a majority of the

Board finds that a psychologist is in violation of this Act or guilty of any of the acts, offenses, or conditions as enumerated by the Board, the following actions may be taken:

1. The Board may revoke or suspend the license and impose a monetary penalty.
2. The Board may suspend imposition of a revocation or suspension of a license and/or a monetary penalty.
3. The Board may impose revocation or suspension of a license and/or a monetary penalty, but suspend enforcement thereof by placing the psychologist on probation, which probation shall be revocable if the Board finds the conditions of the probation order are not being followed by the psychologist.
4. As a condition of probation the Board may require the psychologist to submit to care, counseling, or treatment by a professional designated by the Board. The expense of such action shall be borne by the psychologist.
5. The Board may, at any time, modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both.
6. The Board shall have the power to require restitution when necessary.
7. The Board shall have the power to assess the costs of the disciplinary proceeding.

## M. Privileged Communication

This section regulates and limits the powers of the judicial system. The courts or other administrative agencies with subpoena power have the right to make use of all relevant information in the judicial fact-finding process unless this right of access to information is specifically limited. Historically, courts and legislatures have been charged with fact-finding in order to seek truth and administer justice. At the same time they have attempted to maintain the integrity of the confidential and private relationship between psychologist and patient or client. However, some societal issues have emerged, such as child abuse and sexual abuse, that have changed the absolute nature of privileged communication. Though the privilege is not absolute, it is designed to be sufficiently broad to cover all situations except those specifically enumerated. It is a privilege "owned" by the patient or client, who may assert it or waive it, although the psychologist may assert it for a patient or client who wishes to maintain such privilege of communication. It is understood that the privilege encompasses only communications between the patient or client and the psychologist in a professional relationship.

In judicial proceedings, whether civil, criminal, or juvenile; in legislative and administrative proceedings; and in proceedings preliminary and ancillary thereto, a patient or client, or his or her guardian or personal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist licensed or otherwise authorized to practice psychology under the laws of this jurisdiction, or to persons reasonably believed by the patient or client to be so licensed, and their agents, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder. In the absence of evidence to the contrary, the psychologist is presumed authorized to claim the privilege on the patient's or client's behalf.

This privilege may not be claimed by the patient or client, or on his or her behalf by authorized persons, in the following circumstances:

1. where abuse or harmful neglect of children, the elderly, or disabled or incompetent individuals is known or reasonably suspected;
2. where the validity of a will of a former patient or client is contested;
3. where such information is necessary for the psychologist to defend against a malpractice action brought by the patient or client;
4. where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;
5. in the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist;
6. where the patient or client, by alleging mental or emotional damages in litigation, puts his or her mental state at issue;
7. where the patient or client is examined pursuant to court order; or
8. in the context of investigations and hearings brought by the patient or client and conducted by the Board, where violations of this Act are at issue.

### **N. Severability**

As with any law, one provision may be subject to court challenge and ruled invalid or unconstitutional. For example, it is not legally clear whether state licensing boards can regulate persons working for federal agencies. Thus, if any provision is ruled invalid or unconstitutional, it is

important that the entire Act not be affected. This can only be achieved by inserting a clause at the end of the Act stating that each provision of the Act is severable from all other provisions and that the declaration that one section is invalid or unconstitutional will not affect the constitutionality or enforceability of any other section.

If any section in this Act or any part of any section thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of any section or part thereof.

### **O. Effective Date**

In any law regulating a profession there needs to be a specific date establishing when the law shall become effective. Thus, the final paragraph states:

This Act shall become effective upon the date it is signed by the Governor or on the date it otherwise becomes effective by operation of law.

### **REFERENCES**

- APA Committee on Legislation. (1955). Joint report of the APA and CSPA (Conference of State Psychological Associations). *American Psychologist*, 10, 727-756.
- APA Committee on Legislation. (1967). A model for state legislation affecting the practice of psychology 1967: Report of the APA Committee on Legislation. *American Psychologist*, 22, 1095-1103.

American Psychological Association

**Model Act for State Licensure**

Public Comment

Model Act for State Licensure (1987)	Revision of Model Act for State Licensure (Revised 03/06/2009)
<p><i>Preamble</i></p> <p>As APA policy, the Model Act serves as a prototype for drafting state legislation regulating the practice of psychology. State legislatures are encouraged to use the language of this document and the policies that it espouses as the model for their own state licensure law. Inevitably each state law will reflect compromises and changes particular to that state, but the APA Model Act is meant to serve as a guide for those involved in the drafting process. State licensing boards must develop their own rules and regulations to supplement the legislation proposed here.</p> <p>This is the fourth set of guidelines for state legislation regulating the practice of psychology that has been developed by the American Psychological Association (APA). The first model for such regulation was developed and adopted as APA policy in 1955 (APA, 1955).</p> <p>The 1955 guidelines stood for 12 years, during which the number of states enacting licensure legislation grew from 9 to 32. In 1967 the APA Committee on State Legislation (COSL) prepared the first revision of the guidelines. That revision was more comprehensive, provided more detailed guidance, and covered more issues relating to regulation of the practice of psychology, while reaffirming the basic concept found in the 1955 model (APA, 1967).</p> <p>By 1977 all states and the District of Columbia had enacted licensure legislation. APA's Council of Representatives then determined that the model approved in 1967 was outdated and directed COSL to undertake a revision. However, in January 1979 the Council of Representatives failed to approve the revised model guidelines, leaving the 1967 guidelines to remain as APA policy.</p> <p>In 1984 the Council of Representatives directed the Board of Professional Affairs (BPA) to develop another revision of the existing 1967 model for the Council's consideration. BPA, in turn, directed its Committee on Professional Practice (COPP) to prepare it.</p> <p>A COPP subcommittee undertook this effort. Its early drafts were based on a review of the comments provided by APA governance units and divisions regarding the 1979 COSL proposal. Specific recommendations were received from the Board of Directors (B/D) Subcommittee on the Future of Professional Psychology in April 1985. Numerous drafts were</p>	<p><i>Preamble</i></p> <p>As APA policy, the Model Act serves as a prototype for drafting state legislation regulating the practice of psychology. State legislatures are encouraged to use the language of this document and the policies that it espouses as the model for their own state licensure law. Inevitably each state law will reflect compromises and changes particular to that state, but the APA Model Act is meant to serve as a guide for those involved in the drafting process. State licensing boards must develop their own rules and regulations to supplement the legislation proposed here.</p> <p>This is the fifth set of guidelines for state legislation regulating the practice of psychology that has been developed by the American Psychological Association (APA). The first model for such regulation was developed and adopted as APA policy in 1955 (APA, 1955).</p> <p>The 1955 guidelines stood for 12 years, during which the number of states enacting licensure legislation grew from 9 to 32. In 1967 the APA Committee on State Legislation (COSL) prepared the first revision of the guidelines. That revision was more comprehensive, provided more detailed guidance, and covered more issues relating to regulation of the practice of psychology, while reaffirming the basic concept found in the 1955 model (APA, 1967).</p> <p>By 1977 all states and the District of Columbia had enacted licensure legislation. APA's Council of Representatives then determined that the model approved in 1967 was outdated and directed COSL to undertake a revision. However, in January 1979 the Council of Representatives failed to approve the revised model guidelines, leaving the 1967 guidelines to remain as APA policy. In 1984 the Council of Representatives directed the Board of Professional Affairs (BPA) to develop another revision of the existing 1967 model for the Council's consideration. BPA, in turn, directed its Committee on Professional Practice (COPP) to prepare it.</p> <p>This document was approved by the Council of Representatives in February, 1987.</p> <p>In 2006, at the recommendation of the Board of Professional Affairs and the Committee for the Advancement of Professional Practice, the APA Board of Directors and Council of Representatives funded a Task Force to undertake the revision of the 1987 model act. The existing model act did not reflect the</p>

subsequently developed and revised based on comments provided by members of COPP and BPA, the American Association of State Psychology Boards, individual psychologists from around the country and Canada, relevant APA divisions and governance groups, unaffiliated psychology interest groups, and APA legal counsel. This document, Draft 14, is the result of three years of continual discussion, review, and compromise by many concerned and dedicated APA members. It was passed unanimously by the Council of Representatives on February 7, 1987.

Each section of the proposed Model Act is introduced by commentary, the purpose of which is to explain the rationale for the proposed section that follows. To differentiate between the commentary and the proposed statutory language, the latter is set in smaller type.

developments in professional practice that had occurred over the preceding 20 years. Specific developments included some psychologists obtaining prescriptive authority, changes in the provision of industrial/organizational and consulting psychology that could make it desirable for those psychologists to be licensed, and changes in the recommended sequence of education and training for psychologists. The Task Force undertook this effort beginning with a comprehensive review of the 1987 document as well as relevant APA policies and other documents. Draft revisions were circulated for review and a 90-day public comment period ensued. Changes were made to the document based on commentary received. A second public comment period ensued and another review by governance groups occurred prior to the document being approved by Council.

Each section of the proposed Model Act is introduced by commentary, the purpose of which is to explain the rationale for the proposed section that follows. To differentiate between the commentary and the proposed statutory language, the latter is *italicized*.

#### **A. Declaration of Policy**

This section declares that the intent of legislation for state licensure of psychologists is to ensure the practice of psychology in the public interest. The consumer should be assured that psychological services will be provided by qualified professionals. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology.

The practice of psychology in (name of state) is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

#### **A. Declaration of Policy**

This section declares that the intent of legislation for state licensure of psychologists is to ensure the practice of psychology in the public interest. The consumer should be assured that psychological services will be provided by licensed and qualified professionals according to the provisions of this act. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology.

*The practice of psychology in (name of state) is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.*

#### **B. Definitions**

Definitions provide consistent interpretation throughout the Act without unnecessary repetition of terms. Thus *Board* once defined in this section can subsequently be cited with the same meaning as presented in the definition.

In defining *institution of higher education*, professional schools are included as a result of a number of suggestions to recognize these institutions' growing contributions to the education and training of professional psychologists. It is further recognized that many foreign institutions prepare psychologists for professional practice, and provision should be made to accommodate them in Board regulations.

In 1979, the definition of the *practice of psychology* appeared to be the major obstacle that prevented passage of the Committee on State Legislation's (COSL) guidelines. A

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In defining institution of higher education, it is further recognized that many foreign institutions prepare psychologists for professional practice, and provision should be made to accommodate them in Board regulations.

Psychological services should be described adequately and specified in order to identify clearly the areas of psychological services, provided to individuals, groups of individuals, or organizations, that require qualified and sound professional psychology practice. There can be a legitimate use for

predominant concern in defining the practice of psychology for the purpose of licensure is to describe psychological services adequately. These services must be specified in order to identify clearly the areas of psychological services, provided to individuals or groups of individuals that require qualified and sound professional psychological practice. The final definition in this section deals with the term *psychologist* as it applies to the Act in the provision of psychological services. The title "psychologist" is also used by psychologists who are exempt from licensure as specified in Section J of this Act in their roles as teachers, researchers, and consultants to or employees of organizations.

1. *Board* means the (name of state) State Board of Examiners of Psychologists.
2. *Institution of higher education* means any regionally accredited institution of higher education in the United States, including a professional school that offers a full-time doctoral course of study in psychology that is acceptable to the Board. For Canadian universities, it means an institution of higher education that holds recognized membership in the Association of Universities and Colleges of Canada.
3. *Practice of psychology* is defined as the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered. (See Section J for exemptions.)
4. *Psychologist*: A person represents himself or herself to be a psychologist if that person uses any title or description of services incorporating the words *psychology*, *psychological*, or *psychologist*, or if he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Act.

technology-supported services, such as electronic or telephonic means. All such activities must operate within appropriate APA Ethical guidelines.

1. *Board* means the (name of state) State Psychology Board.
2. *Institution of higher education* means any regionally accredited institution of higher education in the United States, including a professional school, that offers a full-time doctoral course of study in psychology that is acceptable to the Board. For Canadian universities, it means an institution of higher education that is provincially or territorially chartered.
3. *Practice of psychology* is defined as the observation, description, evaluation, interpretation, prediction, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purposes of (a) preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior; (b) evaluating, assessing and/or facilitating the enhancement of individual, group and/or organizational effectiveness – including personal effectiveness, adaptive behavior, interpersonal relationships, work and life adjustment, health, and individual, group and/or organizational performance, or (c) assisting in legal decision-making.  
  
*The practice of psychology includes, but is not limited to, (a) psychological testing and the evaluation or assessment of personal characteristics, such as intelligence; personality; cognitive, physical, and/or emotional abilities; skills; interests; aptitudes; and neuropsychological functioning; (b) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; (c) diagnosis, treatment, and management of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; (d) psychoeducational evaluation, therapy, and remediation; (e) consultation with physicians, other health care professionals and patients regarding all available treatment options, including medication; (f) provision of direct services to individuals and/or groups for the purpose of enhancing individual and thereby organizational effectiveness, using psychological principles, methods and/or procedures to assess and evaluate individuals on personal characteristics for individual development and/or behavior change or for making decisions about the individual, such as selection; and (g) the supervision of any of the above. Psychological services may be rendered to individuals, families, groups, systems, and/or organizations. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered. (See Section G for Limitation of Practice and Maintaining and Expanding Competence and Section J for Exemptions.)*
4. *Psychologist*: Means (a) any person licensed as a psychologist under this act and (b) any General applied psychologist (see 5b

below) whose practice areas are specifically exempted under this act, and includes a person representing himself or herself to be a psychologist if that person uses any title or description of services incorporating the words psychology, psychological, or psychologist, or if he or she uses any term that implies that he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or groups of individuals services defined as the practice of psychology in this Act. The title "psychologist" is also used by psychologists who are exempt from licensure as specified in Section J of this Act in their roles as teachers and/or researchers.

#### 5. Applied psychologist

An applied psychologist is one who provides services to individuals, groups and/or organizations outside of an academic setting. Within this broad category there are two major groupings – those who are Health Service Providers and those who are not. Although licensure is generic, some of the Board's Rules and Regulations need to account for variations in relevant training, supervision and practice.

##### a. Health service provider (HSP)

Psychologists are certified as Health Service Providers if they are duly trained and experienced in the delivery of preventive, assessment, diagnostic, therapeutic intervention and management services relative to the psychological and physical health of consumers based on: 1) having completed scientific and professional training resulting in a doctoral degree in psychology; 2) having completed an internship and supervised experience in health care settings; and 3) having been licensed as psychologists at the independent practice level.

##### b. General applied psychologists

General applied psychologists provide psychology services that are defined as services outside of the health and mental health field and shall include: 1) the provision of direct services to individuals and groups, using psychological principles, methods and/or procedures to assess and evaluate individuals on personal abilities and characteristics for individual development, behavior change, and/or for making decisions (e.g., selection, individual development, promotion, reassignment) about the individual, all for the purpose of enhancing individual and/or organizational effectiveness; and 2) the provision of services to organizations that are provided for the benefit of the organization and do not involve direct services to individuals, such as job analysis, attitude/opinion surveys, selection testing (group administration of standardized tests in which responses are mechanically scored and interpreted), selection validation studies, designing performance appraisal systems, training, organization design, advising management on human behavior in organizations, organizational assessment, diagnosis and intervention, and related services.

#### 6. Specialty

A specialty is a defined area of psychological practice which requires advanced knowledge and skills acquired through an

organized sequence of education and training. The advanced knowledge and skills specific to a specialty are obtained subsequent to the acquisition of core scientific and professional foundations in psychology.

**7. Developed area of practice**

Developed practice areas of psychology have all of the following characteristics:

- National recognition of the practice area by a national organization(s) whose purpose includes recognizing or representing and developing the practice area, by relevant divisions of the APA, or by involvement in similar umbrella organizations;
- An accumulated body of knowledge in the professional literature that provides a scientific basis for the practice area including empirical support for the effectiveness of the services provided;
- Representation by or in a national training council that is recognized, functional, and broadly accepted;
- Development and wide dissemination by the training council of doctoral educational and training guidelines consistent with the Accreditation Guidelines & Principles;
- Existence of the practice area in current education and training programs;
- Geographically dispersed psychology practitioners who identify with the practice area and provide such services

**8. Emerging area of practice**

An emerging area of practice is one that meets some but not all of the six requirements for a Developed Area of Practice, or does not meet some of the requirements completely (e.g., there is some professional literature providing a scientific basis, but not an "accumulated body of knowledge" in that literature).

**9. Client**

The term client is used to refer to the child, adolescent, adult, older adult, couple, family, group, organization, community, or other populations receiving psychological services. In many situations there are important and valid reasons for using such terms as patient, consumer or person in place of client to describe the recipients of services.

**C. State Board of Examiners of Psychologists**

Legislation concerning the membership of the Board of Examiners should designate a sufficient number of members to accomplish the work of the Board, as well as make provisions for the appointment of public members. The appointing authority shall ensure that specialties in psychology are represented, as well as trainers and practitioners. A minimum of five psychologists plus one public member is recommended.

The addition of public (consumer) members on

**C. State Psychology Board**

Legislation concerning the membership of the State Psychology Board should designate a sufficient number of members to accomplish the work of the Board, as well as make provisions for the appointment of public members. The appointing authority shall ensure that specialties in psychology are represented, as well as trainers and practitioners, both in health care and general applied psychology. A minimum of six psychologists plus one public member is recommended.

boards is a recognition of the impact of consumerism on the current functioning of boards. The involvement of the public in Board affairs can be of great value to both psychology and the public and should be viewed as an opportunity to enhance the stature of psychology with the public.

Obviously, members should be appointed at staggered times so that the entire group of members is not replaced at any one time.

There is hereby created the (name of state) State Board of Examiners of Psychologists. The Board shall consist of minimally five licensed psychologists and one public member. At least two members shall be engaged full-time in the doctoral teaching and training of psychologists, and at least two members shall be engaged full-time in the professional practice of psychology. Psychologist Board members shall be licensed to practice in this state.

Each psychologist serving on the Board shall have a minimum of five years of postlicensure experience. Board members shall reflect a diversity of practice specialties.

Board members shall be appointed who are free from conflicts of interest in performing the duties of the Board. A public member shall not be a psychologist, an applicant or former applicant for licensure as a psychologist, a member of another health profession, or a member of a household that includes a psychologist, or otherwise have conflicts of interest or the appearance of such conflicts with duties as Board members. Appointments to the Board shall be made by the duly constituted appointing authority in this state. The appointing authority in this state shall solicit nominations from psychological organizations and licensed psychologists in this state. The term of office shall be five years, with provision for reappointment for one additional term. Lengths of terms of Board members shall be staggered. The Board as first constituted shall have two members, including the public member, appointed for five years; one member appointed for four years; two members appointed for three years; and one member appointed for two years.

It is clear that the Board will need, from time to time, to adopt or delete rules and regulations to carry out the provisions of the Act that establish and enable the Board to operate. It is wise to have this authority clearly established within the Act.

In addition to the powers set forth elsewhere in this Act, the Board may adopt rules and regulations to carry out the provisions of this Act.

It is desirable for the Board to be self-supporting. Self-generated fees should be sufficient to cover all costs. This avoids the necessity of the Board's returning to the budgetary authority for approval each time fees must be increased in order for the Board to remain self-supporting. Boards should consider carefully the various elements of expense in establishing fees. Items such as overhead, examination costs, travel and per diem, disciplinary proceedings, and other expenses should be considered.

The Board shall, from time to time, establish reasonable fees for the

Public (consumer) members on boards is a recognition of the impact of consumerism on the current functioning of boards. A public member is recommended in order to insure the representation of the public; that is, the recipient of psychological services. Members should be appointed at staggered times so that the entire group of members is not replaced at any one time.

*There is hereby created the (name of state) State Psychology Board. The Board shall consist of minimally six licensed psychologists and one public member. Members should be representative of teaching, training and the professional practice of psychology. Psychologist Board members shall be licensed to practice in this state. Each psychologist serving on the Board shall have a minimum of five years of post-licensure experience. Board members shall reflect a diversity of practice specialties, both in health care and other applications.*

*Board members shall be appointed who are free from conflicts of interest in performing the duties of the Board. A public member shall not be a psychologist, an applicant or former applicant for licensure as a psychologist, a member of another health profession, or a member of a household that includes a psychologist, or otherwise have conflicts of interest or the appearance of such conflicts with duties as Board members. Appointments to the Board shall be made by the duly constituted appointing authority in this state. The appointing authority in this state shall solicit nominations from psychological organizations and licensed psychologists in this state. The term of office shall be five years, with provision for reappointment for one additional term. Lengths of terms of Board members shall be staggered.*

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*The Board shall, from time to time, establish reasonable fees for the issuance and renewal of licenses and its other services. Fees shall be set so as to defray the cost of administering the provisions of this Act, including applications, examinations, enforcement, and the cost of maintaining the Board.*

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It is important to have within the Act a statement that a member of the Board shall not be civilly liable for any act performed in good faith and within the scope of duties of the Board. It should be noted that such a statement does not pertain to any criminal charges brought against a member of the Board.

A member of the Board or any employee or agent of the Board shall not be held civilly liable for any act performed in good faith and within the scope of the duties of the Board.

It is important to have within the Act a statement that a member of the Board shall not be civilly liable for any act performed in good faith and within the scope of duties of the Board. It should be noted that such a statement does not pertain to any criminal charges brought against a member of the Board. Though individual members of the Board will not be held civilly liable, individuals may pursue legal action against the Board under any applicable state laws, such as, for example, under any administrative procedure act.

*A member of the Board or any employee or agent of the Board shall not be held civilly liable for any act performed in good faith and within the scope of the duties of the Board.*

#### **D. Requirements for Licensure**

This recommendation includes significant changes from the 1967 guidelines. It should be noted that terms such as *department of psychology* and *PhD* are explicitly excluded from the recommended wording.

There is a core of basic theory, principles, and accumulated knowledge that all professional psychologists should possess. Each practitioner must also master the specific skills and knowledge appropriate for the competent performance of psychological practice. The language of the model requires the Board to specify its criteria for acceptable professional education in psychology. In this regard, the Board will be guided by national standards.

This revision states that by 1995 all applicants for licensure must minimally be graduates of a regionally accredited institution of higher education and must have completed a training program accredited by the American Psychological Association. Where no accreditation exists, the applicant will be required to meet standards developed by the Board. These standards will be based on recognized standards for the area of competence. The law recognizes that new doctoral programs may be developed in newly or already recognized specialties of professional psychology. In such instances, the law affords those programs an eight-year period in which to achieve accreditation, during which the graduates of those programs may sit for licensure.

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All applicants for licensure must minimally be graduates of a regionally accredited institution of higher education, or a Canadian university that is provincially or territorially chartered, and must have completed a planned program of study which reflects an integration of the science and practice of psychology. A formal training program accredited by the American Psychological Association or Canadian Psychological Association is required. For areas of psychology where APA or CPA program accreditation does not exist, psychology programs must meet all the requirements listed below (D1).

The law recognizes that new doctoral programs may be developed in newly or already recognized specialties of professional psychology. In such instances, the law affords those programs an eight-year period in which to achieve accreditation or to meet the standards described in D1, during which the graduates of those programs may sit for licensure.

#### **D-1. Educational Requirements**

The Act recognizes the doctorate as the minimum educational requirement for entry into professional practice as a psychologist.

Applicants for licensure shall possess a doctoral degree in psychology from an institution of higher education. The degree shall be obtained from a recognized program of graduate study in psychology as defined by the rules and regulations of the Board. By 1995 applicants

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for licensure shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA). In areas where no accreditation exists, applicants for licensure shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board. When a new specialty of professional psychology is recognized as being within the accreditation scope of the APA, doctoral programs within that specialty will be afforded a transition period of eight years from their first class of students to the time of their accreditation. During that transition period, graduates of such programs may sit for licensure examination whether or not the program has been accredited. The same principle applies as well to new doctoral programs of specialties previously recognized within the scope of APA accreditation. Applicants trained in institutions outside the United States shall meet requirements established by the Board.

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*Applicants for licensure shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA) or where APA or CPA program accreditation does not exist that meets all of the following requirements:*

- 1. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education. A regionally accredited institution is an institution with regional accreditation in the United States or an university that is provincially or territorially chartered in Canada.*
- 2. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional 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 core and specialty areas whether or not the program cuts across administrative lines.*
- 5. The program must be an integrated, organized sequence of study.*
- 6. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities and a psychologist responsible for the program.*
- 7. The program must have an identifiable body of students who are matriculated in that program for a degree.*
- 8. The program must include supervised practicum, internship, field or laboratory training appropriate to the individual's chosen area of practice of psychology.*
- 9. The curriculum shall encompass a minimum of three academic years of full time graduate study and a minimum of one year's residency or the equivalent thereof at the educational institution granting the doctoral degree. The core program shall require every student to demonstrate competence in each of the following substantive areas. Some content areas may appropriately be taught by integrating content across the curriculum, or this requirement may be met through substantial instruction in each of these foundational areas, as demonstrated by evidence of an integrated curriculum or a minimum of three graduate semester hours, 4.5 or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on*

*the basis of fifteen hours of classroom instruction per semester hour), or the equivalent:*

- a. scientific and professional ethics and standards;*
- b. research design and methodology;*
- c. statistics;*
- d. psychometric theory;*
- e. biological bases of behavior: such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, physical ergonomics or psychopharmacology;*
- f. cognitive-affective bases of behavior: such as learning, thinking, motivation, emotion, memory, cognitive information processing, or social cognition;*
- g. social bases of behavior: such as social psychology, group processes, organizational and systems theory; and*
- h. individual differences: such as personality theory, human development, personnel psychology, or abnormal psychology.*

*10. All professional education programs in psychology shall include course requirements in developed practice areas/ specialties.*

*11. The program must demonstrate that it provides training relevant to the development of competence to practice in a diverse and multicultural society.*

*When a new area of professional psychology is recognized as being a developed practice area and within the accreditation scope of the APA, doctoral programs within that area will be afforded a transition period of eight years from their first class of students to the time of their accreditation – or, where there is no accreditation, applicants for licensure must show that they have successfully obtained substantial instruction in the foundational areas listed above. During that transition period, graduates of such programs may sit for licensure examination whether or not the program has been accredited. The same principle applies as well to new doctoral programs in traditional practice areas previously recognized within the scope of APA accreditation.*

*Applicants trained in institutions outside the United States shall meet requirements established by the Board.*

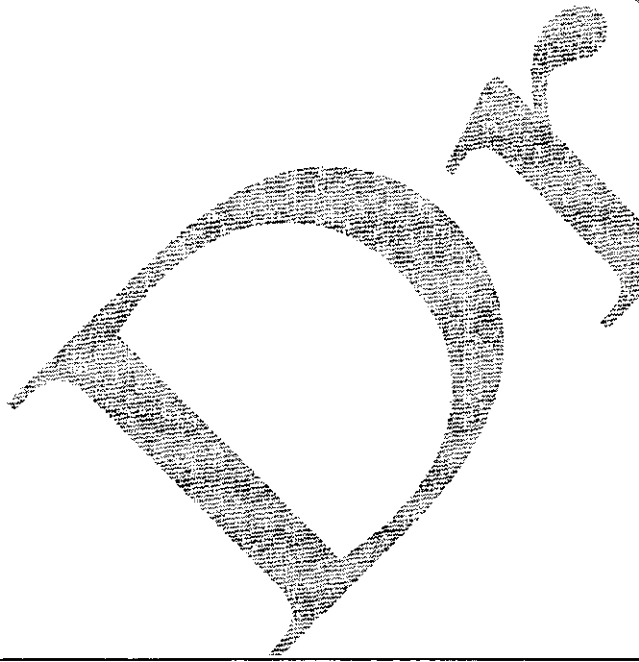
*Psychologists trained in an area that falls outside the scope of APA accreditation (e.g., experimental, developmental, social) and who intend to practice in a traditional or developed practice area must complete a retraining program and/or appropriate supervised experience (e.g., internship in the developed practice area). Similarly, psychologists trained in HSP programs who intend to practice in General Applied Psychology non-exempt areas and psychologists trained in General Applied Psychology areas who intend to provide health services must first acquire the appropriate training and supervision.*

**D-2. Experience Requirements**

**D-2. Experience Requirements**

APA recommends that legislation requires one year of supervised experience subsequent to the granting of the doctorate. In rules and regulations, the Board must define acceptable supervised experience at the predoctoral and postdoctoral levels as well as mechanisms for evaluation of this experience. Psychologists are required to limit their practice to their demonstrated areas of professional competence. Experience should be compatible with training.

For admission to the licensure examination, applicants shall demonstrate that they have completed two years of supervised professional experience, one year of which shall be postdoctoral. The criteria for appropriate supervision shall be in accordance with regulations to be promulgated by the Board. Postdoctoral experience shall be compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice. Applicants shall be required to show evidence of good character, that is, that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed.



APA recommends that legislation requires the equivalent of two full-time years of sequential, organized, supervised, professional experience prior to obtaining the license. This training may be completed prior or subsequent to the granting of the doctoral degree. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be a predoctoral internship which may be completed as a part-time intern over a two year period provided that the total experience is the equivalent of one year of full time experience. For applicants prepared for practice in the General Applied (non-HSP) domain of psychology, whose graduate programs may not have formal internships, the option to obtain all supervision post doctorally should be available. In rules and regulations, the Board must define acceptable supervised experience at the predoctoral and postdoctoral levels as well as mechanisms for evaluation of this experience. Boards are encouraged to create definitions that are flexible and capture the variety of training and supervisory models that are appropriate for both HSP and General Applied practice. Psychologists are required to limit their practice to their demonstrated areas of professional competence. Experience should be compatible with training.

*To obtain licensure, applicants shall demonstrate that they have completed the equivalent of two full-time years of sequential, organized, supervised professional experience. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be a predoctoral internship. For applicants prepared for practice in the General Applied domain of psychology, whose graduate programs may not have formal internships, the option to obtain all supervision post doctorally should be available. The criteria for appropriate supervision shall be in accordance with regulations to be promulgated by the Board. Experience shall be compatible with the knowledge and skills acquired during formal doctoral and/or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice. General Applied (non-HSP) Psychologist trainees may be supervised by an appropriate licensed psychologist outside the supervisee's place of employment so long as (a) the supervisee's employer engages the licensed supervisor to provide the required supervision; and (b) the supervisor assumes responsibility for the training of the supervisee. Applicants shall be required to show evidence of good character, e.g., that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed.*

**D-3. Examinations**

APA recommends that the Act specify the requirements for examination and the conditions under which the Board is authorized to waive examination. All examinations serve the purpose of verifying that a candidate for licensure has acquired a basic core of knowledge in the discipline of psychology and can apply that knowledge to the problems

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confronted in the practice of psychology. Boards should clearly specify the conditions under which the endorsement of another license will be granted. 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 examination and shall require a written, and may require an oral examination of each candidate for licensure. The Board at its discretion, according to rules and regulations promulgated by the Board, may waive said examination of candidates for licensure.

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*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 examination and shall require a written, and may require an oral examination of each candidate for licensure. The Board at its discretion, according to rules and regulations promulgated by the Board, may waive said examination of candidates for licensure. It is recommended that individuals applying for licensure be eligible to sit for the examination upon completion of all the requirements of the doctoral degree.*

**D-4. Prior Credentials**

APA recommends that the Act provide for continued licensure of persons already licensed as a psychologist at the time of enactment of a new law.

A person who is licensed as a psychologist under the provisions of *(cite relevant section(s) of previous licensing law)* as of the effective date of this Act shall be deemed to have met all requirements for licensure under this Act and shall be eligible for renewal of licensure in accordance with the provisions of this Act.

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**D-5. Applications from individuals licensed in other jurisdictions.**

Jurisdictions are strongly encouraged to adopt regulations to facilitate the mobility and portability of licensure. Jurisdictions may set criteria to determine conditions under which verification of education, experience and examination requirements will be waived. These criteria may include holding a credential that verifies education and experiences of individuals (e.g. American Board of Professional Psychology (ABPP), National Register of Health Service Providers in Psychology, Association of State and Provincial Psychology Boards' Certificate of Professional Qualification in Psychology (ASPPB's CPQ)), Board determination that the criteria of the other jurisdiction are comparable to the Board's criteria or other specified mechanism.

*An individual applying for licensure with the Board who holds an active psychology license in another jurisdiction and shows evidence of good character is considered an eligible candidate for licensure in the jurisdiction. The Board may waive verifying the education, experience and examination requirements for individuals who meet these criteria and for whom the Board's mechanism for verifying comparability of education, experience and examination requirements is met. The Board retains the right to administer any required jurisdiction-specific examinations (written, oral, jurisprudence) prior to awarding the license.*

**E. Interstate Practice of Psychology**

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Psychologists may have legitimate interests in practicing in another jurisdiction for a limited amount of time. This section provides for limited practice in a jurisdiction other than the state in which the psychologist is licensed. The psychologist must have an earned doctoral degree in another jurisdiction.

Nothing in this Act shall be construed to prohibit the practice of psychology in this state by a person holding an earned doctoral degree in psychology from an institution of higher education who is licensed or certified as a psychologist under the laws of another jurisdiction, provided that the aggregate of sixty (60) days of professional services as a psychologist per year under the provision of this subsection is not exceeded.

Psychologists may have legitimate interests in practicing in another jurisdiction for a limited amount of time. This section provides for limited practice in a jurisdiction other than the state in which the psychologist is licensed. This is not intended to eliminate the necessity for licensure for those who are setting up a regular professional practice in that jurisdiction. The psychologist must have an earned doctoral degree and be licensed in another jurisdiction.

*Nothing in this Act shall be construed to prohibit the practice of psychology in this state by a person holding an earned doctoral degree in psychology from an institution of higher education who is licensed or certified as a psychologist under the laws of another jurisdiction, provided that the aggregate of sixty (60) days per year of professional services as a psychologist per year under the provision of this subsection is not exceeded. Prior to providing services in this state, a doctoral level licensed psychologist from another jurisdiction should provide written notice to the Board of the type of services to be provided, approximate duration of such services along with documentation of licensure and consent to operating under the jurisdiction, law and regulations of this state. Because the state recognizes the occasional need for rapid provision of certain services, notice does not require approval of the Board prior to delivery of service if the aggregate of 60 days of services is maintained and the individual does not establish an ongoing, regular, professional practice in the jurisdiction.*

*In disaster situations the time frame and conditions under which psychologists will provide disaster services in the jurisdiction will be defined by the Board.*

*To the extent that the jurisdiction has adopted the Uniform Emergency Volunteer Health Practitioners Act, it will apply in times of disaster.*

#### ***F. Temporary Authorization to Practice***

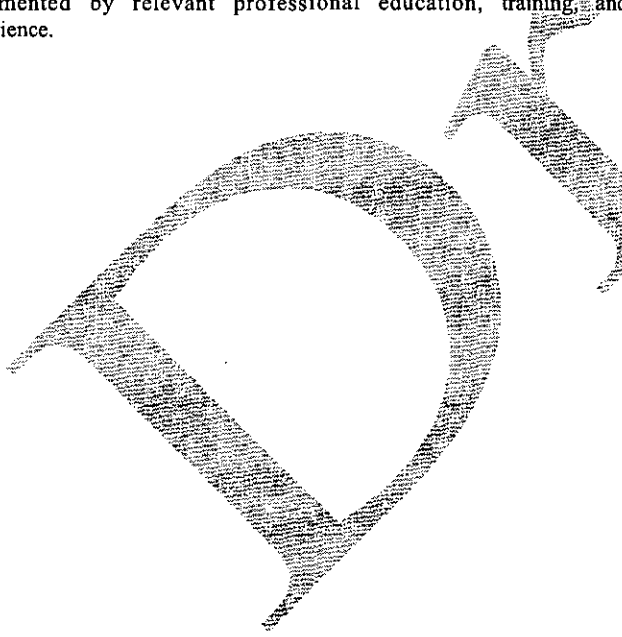
This portion of the Act provides for the conditions under which a licensed psychologist may practice until obtaining licensure in another jurisdiction. Provision is also made for the Board to waive examination if the requirements met by the psychologist in the original jurisdiction are judged to be equivalent to those in this state.

A psychologist licensed or certified under the laws of another jurisdiction may be authorized by the Board to practice psychology as defined in this Act for a maximum of one year, provided that the psychologist has made application to the Board for licensure and has met the educational and experience requirements for licensure in this state. Denial of licensure terminates this authorization. The Board may choose to waive examination if a psychologist has been licensed in another jurisdiction on the basis of qualifications that are not less than those required for licensure in this state.

#### ***F. Temporary Authorization to Practice***

This portion of the Act provides for the conditions under which a licensed psychologist may practice until obtaining licensure in another jurisdiction. Jurisdictions are encouraged to adopt regulations to facilitate the mobility and portability of licensure. Provision is also made for the Board to waive examination if the requirements met by the psychologist in the original jurisdiction are judged to be equivalent to those in this state.

*A psychologist holding a current, active license or certification under the laws of another jurisdiction may be authorized by the Board to practice psychology as defined in this Act for a maximum of one year, provided that the psychologist has made application to the Board for licensure and has met the educational and experience requirements for licensure in this state. Denial of licensure terminates this authorization. The Board may choose to waive examination if a psychologist is licensed in another jurisdiction on the basis of qualifications that*

	<p><i>are not less than those required for licensure in this state.</i></p>
<p><b>G. Limitation of Practice</b></p> <p>This provision of the Act is intended to ensure that licensed psychologists will not practice outside the limits of their competence. The burden of proof is on the applicant to provide evidence, acceptable to the Board, that the applicant has obtained the training necessary to engage in the practice of psychology in the specified area of competence. The Board may wish to develop forms that provide for the specification of the intended area of practice and the evidence necessary to document competence. This provision recognizes the broad areas of specialization (e.g., clinical, counseling, school, industrial/organizational) and emerging specialties (e.g., neuropsychology, environmental) and the variety of academic training as separate from proficiencies. It is expected that if the psychologist is trained in a broad specialty area, there are many proficiencies within that training that are possible areas of competence. This limitation is intended to ensure that a psychologist trained in one area (e.g., experimental, developmental) will not practice in another area (e.g., counseling, industrial/organizational) without completing a retraining program.</p> <p>The Board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience.</p> 	<p><b>G. Limitation of Practice; Maintaining and Expanding Competence</b></p> <p>This provision of the Act is intended to ensure licensed psychologists who provide services will not practice outside the limits of their competence. The burden of proof is on the applicant to provide evidence, acceptable to the Board, that the applicant has obtained the training necessary to engage in the practice of psychology in the specified area of competence. The Board may wish to develop forms that provide for the specification of the intended area of practice and the evidence necessary to document competence. The Board should recognize that training in psychology includes broad and general training in scientific psychology and in the foundations of practice. Practice areas include: clinical psychology, counseling psychology, school psychology, industrial-organizational psychology and other developed practice areas.</p> <p>Psychologists provide services to populations and in areas within the boundaries of their competence, based on their education, training, supervised experience, consultation, study or professional experience and do not practice beyond their areas of competence. The Board develops requirements or structures (e.g., continuing education in general areas of practice as well as in specific areas such as ethics, domestic violence and multicultural competence; declaration and documentation of competence) to ensure that psychologists undertake ongoing efforts to identify, develop, and maintain competence and ethical practice. Boards may choose to require applicants for licensure and renewal of licensure to self-declare their areas of practice competence. Should a psychologist's area of practice change, then the psychologist shall be required to provide documentation of the training, supervision and/or mentoring undertaken to achieve competence in the new area at the time of license renewal. Psychologists practicing in emerging areas take reasonable steps to ensure the competence of their work by using relevant research, training, consultation, or study.</p> <p><i>The Board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. The Board shall develop structures to ensure that psychologists undertake ongoing efforts to maintain competence and ethical practice. The Board adopts as its standard of conduct the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association.</i></p>
<p><b>H. Inactive Status</b></p> <p>A psychologist who is on military assignment outside the state, suffering from health problems, on sabbatical, or who moves to another state may wish to be on inactive status. Relieving the psychologist from paying the fee will make it possible for that person to remain in good standing without being an active</p>	<p><b>H. Inactive Status</b></p> <p>A psychologist who is on military assignment outside the state, suffering from health problems, on sabbatical, retired, or who moves to another state may wish to be on inactive status. Relieving the psychologist from paying the fee will make it possible for that person to remain in good standing without being</p>

<p>practitioner.</p> <p>A psychologist in good standing who will not be practicing in the state for at least one year may petition the Board to have his or her license placed on inactive status without penalty. When such psychologist wishes to return to practice, an application shall be made to the Board, which shall reinstate him or her upon payment of the registration fee for the current year.</p>	<p>an active practitioner.</p> <p><i>A psychologist in good standing who will not be practicing in the state for at least one year may petition the Board to have his or her license placed on inactive status without penalty. When such psychologist wishes to return to practice, an application shall be made to the Board, which shall reinstate him or her upon payment of the registration fee for the current year.</i></p>
<p><b>I. Practice Without a License</b></p> <p>The Act must clearly specify what constitutes a violation of law and what penalties may be imposed for practice without a license or for misrepresentation of oneself as a psychologist. State legislatures have the latitude to determine penalties for such illegal activities. Boards are provided with the authority to suspend or revoke licenses and to prescribe conditions for reinstatement.</p> <p>It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to represent himself or herself as a psychologist. It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to engage in the practice of psychology as defined in this Act, whether practicing as an individual, firm, partnership, corporation, agency, or other entity.</p> <p>Any person who shall represent himself or herself as a psychologist in violation of this Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a misdemeanor and shall be fined not less than _____ dollars and not more than _____ dollars and, in addition thereto, may be imprisoned for not more than _____ months. Each day such person shall practice psychology without meeting all the requirements of all laws now in force and of this Act shall constitute a separate offense. Any person filing or attempting to file, as his or her own, a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree.</p> <p>Whenever a license to practice as a psychologist in the state has been suspended or revoked, it shall be unlawful for the person whose license has been so suspended or revoked to practice psychology in this state. The Board may issue, with or without reexamination, a new license whenever it deems such course safe and just.</p> <p>The Board on its own motion may investigate any evidence or allegation that appears to show that any person is or may be in violation of any provision of this Act.</p>	<p><b>I. Practice Without a License</b></p> <p>The Act must clearly specify what constitutes a violation of law and what penalties may be imposed for practice without a license or for misrepresentation of oneself as a psychologist. State legislatures have the latitude to determine penalties for such illegal activities. Boards are provided with the authority to suspend or revoke licenses and to prescribe conditions for reinstatement.</p> <p><i>It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to represent himself or herself as a psychologist. It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to engage in the practice of psychology as defined in this Act, whether practicing as an individual, firm, partnership, corporation, agency, or other entity.</i></p> <p><i>Any person who shall represent himself or herself as a psychologist in violation of this Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a misdemeanor and shall be fined not less than _____ dollars and not more than _____ dollars and, in addition thereto, maybe imprisoned for not more than _____ months. Each day such person shall practice psychology without meeting all the requirements of all laws now in force and of this Act shall constitute a separate offense. Any person filing or attempting to file, as his or her own, a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree.</i></p> <p><i>Whenever a license to practice as a psychologist in the state has been suspended or revoked, it shall be unlawful for the person whose license has been so suspended or revoked to practice psychology in this state. The Board may issue, with or without reexamination, a new license whenever it deems such course safe and just.</i></p> <p><i>The Board on its own motion may investigate any evidence or allegation that appears to show that any person is or may be in violation of any provision of this Act.</i></p>
<p><b>J. Exemptions</b></p> <p>1. There should be an exemption from licensure for persons</p>	<p><b>J. Exemptions</b></p> <p>1. There should be an exemption from licensure for persons</p>

engaged solely in teaching, research, or provision of psychological services to organizations, because such activities are unlikely to pose a risk of immediate harm to the public health or welfare. For example, an organizational psychologist providing consultation to business in order to improve efficiency, a teacher of child development courses at a university, a researcher in the field of sleep disorders, and a social psychologist researching group behavior in stressful situations would all be exempt. The exemption should not be determined on the basis of work setting or place of primary employment, but on the basis of the purpose of the activity as defined in Section B3 (Practice of psychology). The exemption should not be allowed if the individual engages in the direct delivery or supervision of psychological services to individuals or groups of individuals in any setting. Persons engaged in teaching, research, or the provision of psychological services to organizations should not be excluded from licensure if they meet the statutory requirements for licensure.

Nothing in this Act shall be construed to prevent the teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions, provided that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services, without regard to the source or extent of payment for services rendered. Nothing in this Act shall prevent the provision of expert testimony by psychologists who are otherwise exempted by this Act. Persons holding an earned doctoral degree in psychology from an institution of higher education may use the title "psychologist" in conjunction with the activities permitted by this subsection.

2. Members of other established professions, such as physicians, attorneys, and clergy, may provide services that are similar or related to the scope of practice of psychology. They should be exempted from licensure on the condition that they not represent themselves to be psychologists.

Nothing in this Act shall be construed to prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics, provided that they do not represent themselves to be psychologists. Duly recognized members of the clergy shall not be restricted from functioning in their ministerial capacity, provided that they do not represent themselves to be psychologists.

3. It is recognized that school psychologists who are certified by the state education agency are permitted to use the term *school psychologist* or *certified school psychologist* as long as they are practicing in the public schools.

Individuals who have been certified as school psychologists by the (*cite relevant state education authority or statutory provisions*) shall be permitted to use the term "school psychologist" or "certified school psychologist." Such persons shall be restricted in their practice to employment within those settings under the purview of the state board of education. By 1995 such exempted persons should be certificated by the state board of

engaged solely in teaching in academic institutions, or research in academic and/or research institutions. In addition, those General Applied (non-HSP) Psychologists who provide services for the benefit of the organization and not involving direct services to individuals should be exempt from licensure and be allowed to refer to themselves as psychologists. The exemption should not be determined on the basis of work setting or place of primary employment, but on the basis of the purpose of the activity as defined in Section B3 (Practice of psychology). The exemption should not be allowed if the individual engages in the direct delivery or supervision of psychological services to individuals or groups of individuals in any setting. Persons engaged in teaching or research, should not be excluded from licensure if they meet the statutory requirements for licensure.

*Nothing in this Act shall be construed to prevent the teaching of psychology or the conduct of psychological research, provided that such teaching or research does not involve the delivery or supervision of direct psychological services. Nothing in this Act shall prevent the provision of General Applied Psychology services to organizations so long as those services are for the benefit of the organization, and does not involve direct service to individuals. Nothing in this Act shall prevent the provision of expert testimony by psychologists who are otherwise exempted by this Act. Persons holding a doctoral degree in psychology from an institution of higher education may use the title "psychologist" in conjunction with the activities permitted by this subsection.*

2. Members of other established professions, such as physicians, attorneys, and clergy, may provide services that are similar or related to the scope of practice of psychology. They should be exempted from licensure on the condition that they not represent themselves to be psychologists.

*Nothing in this Act shall be construed to prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics, provided that they do not represent themselves to be psychologists. Duly recognized members of the clergy shall not be restricted from functioning in their ministerial capacity, provided that they do not represent themselves to be psychologists.*

3. The prior version of this Model Act included an exemption for the use of the terms *school psychologist* or *certified school psychologist* for all individuals credentialed by the state agency regulating practice in public schools. This version restricts the use of the term *school psychologist* or *certified school psychologist* to individuals who: 1) have a doctoral degree in psychology; 2) are certified by the state education agency; and (3) are using the terms only during their practice in the public schools.

*Only those persons who are credentialed by state education agencies to provide psychoeducational services and who possess a doctoral degree in*

education on the basis of having completed a program for the preparation of school psychologists that is accredited by a specialized professional accrediting body recognized by the Council on Postsecondary Accreditation.

4. Graduate students, interns, postdoctoral trainees, and applicants for licensure are permitted to function under the supervision of a licensed psychologist, as are assistants not eligible for licensure in some states. None may use the title psychologist, but titles such as *psychological trainee*, *psychological intern*, *psychological resident*, and *psychological assistant* would be permissible under this exemption. The supervising psychologist is responsible for the actions of the student, trainee, or assistant. The Board is required to adopt regulations defining the nature and extent of training for qualified assistants and supervision for each category.

Nothing in this Act shall be construed to prevent persons from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist." Such persons may use the terms "psychological trainee," "psychological intern," "psychological resident" and "psychological assistant" and provided further that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the Board. Nothing in this section shall be construed to apply to any person other than:

- (a) a matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;
- (b) an individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act; or
- (c) a qualified assistant employed by, or otherwise directly accountable to, a licensed psychologist. The Board in regulations shall determine the number of assistants that a psychologist may employ and the conditions under which they will be supervised.

*psychology from a regionally accredited institution may use the title "school psychologist" or "certified school psychologist." Such persons shall be restricted in their practice and in the use of such title to those settings under the purview of the state education agency. This provision is not intended to apply to licensed psychologists.*

4. Graduate students, interns, unlicensed postdoctoral trainees, and applicants for licensure are permitted to function under the supervision of a licensed psychologist, as are assistants not eligible for licensure in some states. None may use the title psychologist, but titles such as *psychological trainee*, *psychological intern*, *psychological resident*, and *psychological assistant* or *psychological associate* would be permissible under this exemption. The supervising psychologist is responsible for the professional actions of the student, trainee, or assistant. The Board is required to adopt regulations defining the nature and extent of training for qualified assistants and supervision for each category.

*Nothing in this Act shall be construed to prevent graduate students, interns, unlicensed postdoctoral trainees and applicants for licensure under the supervision of a licensed psychologist from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist" in accordance with regulations promulgated by the Board. Such persons may use the terms such as "psychological trainee," "psychological intern," "psychological resident," and "psychological assistant" and provided further that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the Board.*

*Nothing in this section shall be construed to apply to any person other than:*

- (a) a matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;*
- (b) an unlicensed individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act; or*
- (c) a qualified assistant employed by, or otherwise directly accountable to, a licensed psychologist. The Board in regulations shall determine the number of assistants that a psychologist may employ and the conditions under which they will be supervised.*

5. This provision clarifies that the focus of licensure is the individual providing the services. Where the individual providing the services is duly licensed and qualified to provide the services, the goal of assuring the public that the services will be provided by licensed and qualified professionals is served.

*Nothing in this Act shall be construed to require a license under this Act in order for a firm, partnership, corporation, limited liability company or other entity to provide General Applied*

Psychology services where such services are performed by an individual: (a) duly licensed in this State or otherwise authorized to provide General Applied Psychology services under this Act; or (b) supervised by a licensed psychologist in this State and permitted to provide General Applied Psychology services with such supervision under this Act.

6. Individuals who were previously unable to obtain licensure because of exemptions or exclusions in the previous version of this Act or where fulfilling requirements for licensure has been prohibitive (in some instances this has included I-O, Human factors and consulting psychologists) but are now expected to become licensed under the new regulations, a provision for extending licensure to those psychologists should be enacted.

All who have been practicing for 5 years or more exclusively outside of the healthcare psychology area and who were previously unable to obtain licensure because of exemptions or exclusions in the previous version of this Act or where fulfilling requirements has been prohibitive shall be grandparented, with the following requirements:

(a) Candidates should have graduated from a regionally accredited institution with a doctoral degree in I-O, consulting, or other recognized program in general applied psychology.

(b) Attestation from the candidate that documents at least 5 years of relevant work history in I-O, consulting, or other general applied psychology practice. This should include written support from at least two licensed psychologists in good standing within that jurisdiction or APA Fellows in the same or similar area of practice that attests to the candidate's work history, quality of work, ethical practice and lack of any disciplinary action.

(c) Completion of the jurisprudence examination of that jurisdiction with a passing grade.

Individuals must have applied for this Grandparenting option within two years from the enactment of this act. After that date, the individual must comply with the regular licensing laws.

#### **K. Grounds for Suspension or Revocation of Licenses**

In order to have an effective law, the Board must have the power to suspend and revoke a license. In the previous guidelines, the offenses requiring suspension or revocation were not specified. Many state laws specify these offenses. Actions that are a violation of the standards subscribed to by the Board **should be clearly stated** in the licensing law. Two considerations are specified below that refer to specific points in the text that follows:

##### **1. Concerning Numbers 6 and 7**

The Board shall specify, in rules and regulations, criteria for determining how long or under what conditions an individual or group of individuals remains a patient or a client.

#### **K. Grounds for Suspension or Revocation of Licenses**

In order to have an effective law, the Board must have the power to suspend and revoke a license. Actions that are a violation of the enforceable standards of the APA Ethical Principles of Psychologists and Code of Conduct and other standards subscribed to by the Board should be clearly stated in the licensing law. One consideration is specified below that refers to a specific point in the text that follows:

##### **Concerning Number 14**

In this section, physical condition shall be differentiated from physical disability. There is no intent to obstruct physically disabled candidates' entry into the profession of psychology nor from practicing their profession after licensure as long as they practice with reasonable skill and safety to patients or clients.

## 2. Concerning Number 17

In this section, physical condition shall be differentiated from physical disability. There is no intent to obstruct physically disabled candidates' entry into the profession of psychology nor from practicing their profession after licensure as long as they practice with reasonable skill and safety to patients or clients.

A psychologist and anyone under his or her supervision shall conduct his or her professional activities in conformity with ethical and professional standards promulgated by the Board under its rules and regulations.

The Board shall have the power and duty to suspend, place on probation, or require remediation for any psychologist for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology or to take any other action specified in the rules and regulations whenever the Board shall find by a preponderance of the evidence that the psychologist has engaged in any of the following acts or offenses:

1. fraud in applying for or procuring a license to practice psychology;
2. immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the Board;
3. practicing psychology in such a manner as to endanger the welfare of clients or patients;
4. conviction of a felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);
5. conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;
6. harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
7. engaging in sexual intercourse or other sexual contact with a client or patient;
8. use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education, training, and experience;
9. gross malpractice or repeated malpractice or gross negligence in the practice of psychology;
10. aiding or abetting the practice of psychology by any person not licensed by the Board;
11. conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence);
12. exercising undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;
13. the suspension or revocation by another state of a license to practice psychology (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof);
14. refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;
15. making any fraudulent or untrue statement to the Board;
16. violation of the code of ethics adopted in the rules and regulations of the Board; and
17. inability to practice psychology with reasonable skill and

*A psychologist and anyone under his or her supervision shall conduct his or her professional activities in conformity with the ethical and professional standards of the APA Ethical Principles of Psychologists and Code of Conduct and those standards promulgated by the Board under its rules and regulations.*

*The Board shall have the power and duty to suspend, place on probation, or require remediation for any psychologist for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology or to take any other action specified in the rules and regulations whenever the Board shall find by a preponderance of the evidence that the psychologist has engaged in any of the following acts or offenses:*

1. *fraud in applying for or procuring a license to practice psychology;*
2. *immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the Board;*
3. *practicing psychology in such a manner as to endanger the welfare of clients or patients;*
4. *conviction of a felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);*
5. *conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;*
6. *use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education, training, and experience;*
7. *gross malpractice or repeated malpractice or gross negligence in the practice of psychology;*
8. *aiding or abetting the practice of psychology by any person not licensed by the Board;*
9. *conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence);*
10. *the suspension or revocation by another state of a license to practice psychology (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof);*
11. *refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;*
12. *making any fraudulent or untrue statement to the Board;*
13. *violation of the APA Ethical Principles of Psychologists and Code of Conduct and other standards adopted in the rules and regulations of the Board; and*
14. *inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.*

*When the issue is whether or not a psychologist is physically or mentally capable of practicing psychology with reasonable skill*

safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

When the issue is whether or not a psychologist is physically or mentally capable of practicing psychology with reasonable skill and safety to patients or clients, then, upon a showing of probable cause to the Board that the psychologist is not capable of practicing psychology with reasonable skill and safety to patients, the Board may petition a court of competent jurisdiction to order the psychologist in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. Such psychologist and/or physician is to be designated by the court. The expense of such examination shall be borne by the Board. Where the psychologist raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist shall be permitted to obtain his or her own evaluation at the psychologist's expense. If the objectivity or adequacy of the examination is suspect, the Board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every psychologist licensed to practice psychology in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

and safety to patients or clients, then, upon a showing of probable cause to the Board that the psychologist is not capable of practicing psychology with reasonable skill and safety to patients or clients, the Board may petition a court of competent jurisdiction to order the psychologist in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. Such psychologist and/or physician is to be designated by the Board. The expense of such examination shall be borne by the Board. Where the psychologist raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist shall be permitted to obtain his or her own evaluation at the psychologist's expense. If the objectivity or adequacy of the examination is suspect, the Board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every psychologist licensed to practice psychology in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

#### **L. Board Hearings and Investigations**

In the interest of protecting the public, the Board must have authority to regulate the practice of psychology. This section specifies the powers and duties of the Board to conduct investigations, hold hearings, consider evidence or allegations brought against a psychologist, and to discipline a licensee for violation of law or regulation. Both the Board and licensee are required to follow due process standards in any disciplinary proceeding.

The Board on its own motion may investigate or cause to be investigated any allegation or evidence that appears to show that a psychologist licensed to practice in this state is, or may be, in violation of this Act or of any of the acts, offenses, or conditions set forth by the Board in rules and regulations.

The Board shall have the power and duty to suspend, place on probation, or require remediation for a licensee for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology, whenever the licensee shall be found by the Board, by a preponderance of the evidence, to have engaged in conduct prohibited by this Act or rules and regulations duly promulgated pursuant thereto.

Any psychologist holding a license to practice in this state is required to report to the Board any information such psychologist in good faith may have that appears to show that any psychologist holding a license to practice in this state may be in violation of this Act or guilty of any of the acts, offenses, or conditions set forth by the Board. Any psychologist who in good faith makes such a report to the Board shall be absolutely immune from civil liability to any person for any statement or opinion made in such report.

#### **L. Board Hearings and Investigations**

In the interest of protecting the public, the Board must have authority to regulate the practice of psychology. This section specifies the powers and duties of the Board to conduct investigations, hold hearings, consider evidence or allegations brought against a psychologist, and to discipline a licensee for violation of law or regulation. Both the Board and licensee are required to follow due process standards in any disciplinary proceeding.

The Board on its own motion may investigate or cause to be investigated any allegation or evidence that appears to show that a psychologist licensed to practice in this state is, or may be, in violation of this Act or of any of the acts, offenses, or conditions set forth by the Board in rules and regulations.

1) Any accusation filed against a psychologist licensed to practice in this state shall be filed within three years from the date the Board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or omission involves a minor, the seven-year limitations period provided for shall be tolled until the minor reaches the age of majority.

2) The following are exceptions to the limitations period in paragraph (1):

a. acts or offences involving a violation of Sections K(1)

If, in the opinion of the majority of the Board, there is probable cause that the information provided to it under the provisions of this section may be valid, the Board shall request by registered mail a formal interview with the psychologist. If the psychologist who is ordered to a formal interview before the Board refuses to appear for such interview, such refusal shall be considered grounds for the Board, at its discretion, to suspend or revoke the license of such psychologist. Any proceeding for suspension or revocation of a license to practice as a psychologist in this state shall be conducted in accordance with procedures established by the Board. The psychologist shall be informed of his or her rights concerning Board hearings and investigations:

1. the right to notice and hearing;
2. the right to self-representation or representation by counsel;
3. the right to produce witnesses and to confront and cross-examine opposing witnesses;
4. the right to a written decision setting forth the violation, findings of fact, sanctions, and reasons for the sanctions;
5. a determination of the size of the vote necessary to find a violation;
6. a determination whether the hearing will be closed or open to the public; and
7. the right to an appeal to an administrative board of review and/or to a court of competent jurisdiction.

The licensee may knowingly and voluntarily waive his or her right to the formal adversary proceeding described in this section. The Board shall have the right to conduct an *ex parte* hearing if, after due notice, the individual fails or refuses to appear. The Board shall have the right to issue subpoenas for production of documents and witnesses and to administer oaths. The Board shall have the right to apply to a court of competent jurisdiction to take appropriate action should a subpoena not be obeyed.

The Board shall temporarily suspend the license of a psychologist without a hearing simultaneously with the institution of proceedings for a hearing provided under this section if the Board finds that evidence in its possession indicates that the psychologist's continuation in practice may constitute an immediate danger to the public. Appropriate officials may petition the court for an injunction barring further practice unless or until the person is properly licensed. The injunction may be issued in addition to, or in lieu of, the criminal sanctions provided for in this section.

A psychologist may surrender his or her license when such person is charged with unethical conduct and upon receipt of that charge, that person decides to surrender the license, such surrender and acceptance by the Board shall constitute acknowledgment by the psychologist of guilt as charged.

A psychologist may request in writing to the Board that a restriction be placed upon his or her license to practice as a psychologist. The Board, in its discretion, may accept a surrender or grant such a request for restriction and shall have the authority to attach such restrictions to the license of the psychologist to practice psychology within this state or otherwise to discipline the licensee.

Subsequent to the holding of a hearing and the taking of evidence by the Board as provided for in this section, if a majority of the Board finds that a psychologist is in violation of this Act or guilty of any of the

K(13), or K(15) ;

- b. acts or offences involving a violation of Sections K4, where there is an element of dishonesty or fraud, and Section K5.
- c. acts or offences involving fraudulent, deceptive or dishonest conduct that adversely affects the persons' ability or fitness to practice psychology.
- d. acts or offences involving allegations of sexual misconduct with a client, or with a former client for a period of two years following the date of the last professional contact with the former client.

The Board shall have the power and duty to suspend, place on probation, or require remediation for a licensee for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology, whenever the licensee shall be found by the Board, by a preponderance of the evidence, to have engaged in conduct prohibited by this Act or rules and regulations duly promulgated pursuant thereto.

Any psychologist holding a license to practice in this state is required to report to the Board ethical violations by a licensed psychologist who has substantially harmed or is likely to substantially harm a person or organization, if that violation is not appropriate for informal resolution (APA Ethical Standard 1.04, Informal Resolution of Ethical Violations and 1.05, Reporting Ethical Violations.) Any psychologist who in good faith makes such a report to the Board shall be absolutely immune from civil liability to any person for any statement or opinion made in such report.

If, in the opinion of the majority of the Board, there is probable cause that the information provided to it under the provisions of this section may be valid, the Board shall request by registered mail a formal interview with the psychologist. If the psychologist who is ordered to a formal interview before the Board refuses to appear for such interview, such refusal shall be considered grounds for the Board, at its discretion, to suspend or revoke the license of such psychologist. Any proceeding for suspension or revocation of a license to practice as a psychologist in this state shall be conducted in accordance with procedures established by the Board. In the event that these provisions conflict with the state's general administrative procedures, these specific provisions will take precedence. The psychologist shall be informed of his or her rights concerning Board hearings and investigations:

1. the right to a hearing and 30-days notice of the hearing;
2. the right to see a signed complaint (non anonymous);
3. the right to have access to the Board's rules and procedures;
4. the right to self-representation or representation by counsel;
5. the right to discovery: each side can request from the other side relevant documents, a list of witnesses, and for any expert witnesses, the name, C.V. and a detailed

acts, offenses, or conditions as enumerated by the Board, the following actions may be taken:

1. The Board may revoke or suspend the license and impose a monetary penalty.
2. The Board may suspend imposition of a revocation or suspension of a license and/or a monetary penalty.
3. The Board may impose revocation or suspension of a license and/or a monetary penalty, but suspend enforcement thereof by placing the psychologist on probation, which probation shall be revocable if the Board finds the conditions of the probation order are not being followed by the psychologist.
4. As a condition of probation the Board may require the psychologist to submit to care, counseling, or treatment by a professional designated by the Board. The expense of such action shall be borne by the psychologist.
5. The Board may, at any time, modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both.
6. The Board shall have the power to require restitution when necessary.
7. The Board shall have the power to assess the costs of the disciplinary proceeding.

- report of the expert's expected testimony;*
6. *the right to compel the attendance of, and produce, witnesses and to confront and cross examine opposing witnesses, and to have witnesses testify under oath;*
7. *the right to a written decision setting forth the violation, findings of fact, sanctions, and reasons for the sanctions;*
8. *a determination of the size of the vote necessary to find a violation;*
9. *a determination whether the hearing will be closed or open to the public;*
10. *the right not to have Board members who were on the investigative committee also appear on the formal hearing panel.*
11. *the right to an appeal to an administrative board of review and/or to a court of competent jurisdiction.*

*The licensee may knowingly and voluntarily waive his or her right to the formal adversary proceeding described in this section.*

*The Board shall have the right to conduct an ex parte hearing if, after due notice, the individual fails or refuses to appear. The Board shall have the right to issue subpoenas for production of documents and witnesses and to administer oaths. The Board shall have the right to apply to a court of competent jurisdiction to take appropriate action should a subpoena not be obeyed.*

*The Board shall temporarily suspend the license of a psychologist without a hearing simultaneously with the institution of proceedings for a hearing provided under this section if the Board finds that evidence in its possession indicates that the psychologist's continuation in practice may constitute an immediate danger to the public. Appropriate officials may petition the court for an injunction barring further practice unless or until the person is properly licensed. The injunction may be issued in addition to, or in lieu of, the criminal sanctions provided for in this section.*

*A psychologist may surrender his or her license when such person is charged with unethical conduct and upon receipt of that charge, that person decides to surrender the license, such surrender and acceptance by the Board shall constitute acknowledgment by the psychologist of guilt as charged.*

*A psychologist may request in writing to the Board that a restriction be placed upon his or her license to practice as a psychologist. The Board, in its discretion, may accept a surrender or grant such a request for restriction and shall have the authority to attach such restrictions to the license of the psychologist to practice psychology within this state or otherwise to discipline the licensee.*

*Subsequent to the holding of a hearing and the taking of evidence by the Board as provided for in this section, if a majority of the Board finds that a psychologist is in violation of this Act or guilty*

of any of the acts, offenses, or conditions as enumerated by the Board, the following actions may be taken:

1. The Board may revoke or suspend the license and impose a monetary penalty.
2. The Board may suspend imposition of a revocation or suspension of a license and/or a monetary penalty.
3. The Board may impose revocation or suspension of a license and/or a monetary penalty, but suspend enforcement thereof by placing the psychologist on probation, which probation shall be revocable if the Board finds the conditions of the probation order are not being followed by the psychologist.
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5. The Board may, at any time, modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both.
6. The Board shall have the power to require restitution when necessary.
7. The Board shall have the power to assess the costs of the disciplinary proceeding.

#### **M. Privileged Communication**

This section regulates and limits the powers of the judicial system. The courts or other administrative agencies with subpoena power have the right to make use of all relevant information in the judicial fact-finding process unless this right of access to information is specifically limited. Historically, courts and legislatures have been charged with fact-finding in order to seek truth and administer justice. At the same time they have attempted to maintain the integrity of the confidential and private relationship between psychologist and patient or client. However, some societal issues have emerged, such as child abuse and sexual abuse that have changed the absolute nature of privileged communication. Though the privilege is not absolute, it is designed to be sufficiently broad to cover all situations except those specifically enumerated. It is a privilege "owned" by the patient or client, who may assert it or waive it, although the psychologist may assert it for a patient or client who wishes to maintain such privilege of communication. It is understood that the privilege encompasses only communications between the patient or client and the psychologist in a professional relationship.

In judicial proceedings, whether civil, criminal, or juvenile; in legislative and administrative proceedings; and in proceedings preliminary and ancillary thereto, a patient or client, or his or her guardian or personal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist licensed or otherwise authorized to practice psychology under the laws of this jurisdiction, or to persons reasonably believed by the patient or client to be so licensed, and their agents, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or

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disorder. In the absence of evidence to the contrary, the psychologist is presumed authorized to claim the privilege on the patient's or client's behalf.

This privilege may not be claimed by the patient or client, or on his or her behalf by authorized persons, in the following circumstances:

1. where abuse or harmful neglect of children, the elderly, or disabled or incompetent individuals is known or reasonably suspected;
2. where the validity of a will of a former patient or client is contested;
3. where such information is necessary for the psychologist to defend against a malpractice action brought by the patient or client;
4. where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;
5. in the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist;
6. where the patient or client, by alleging mental or emotional damages in litigation, puts his or her mental state at issue;
7. where the patient or client is examined pursuant to court order; or
8. in the context of investigations and hearings brought by the patient or client and conducted by the Board, where violations of this Act are at issue.

to students, interns, and trainees under the supervision of a licensed psychologist, and their agents, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder. In the absence of evidence to the contrary, the psychologist is presumed authorized to claim the privilege on the patient's or client's behalf.

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2. where the validity of a will of a former patient or client is contested;
3. where such information is necessary for the psychologist to defend against a malpractice action brought by the patient or client;
4. where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;
5. in the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist;
6. in any proceeding in which the party relies upon his or her mental or emotional condition as an element of the party's claim or defense;
7. where the patient or client is examined pursuant to court order; or
8. in the context of investigations and hearings brought by the patient or client and conducted by the Board, where violations of this Act are at issue.

#### ***N. Severability***

As with any law, one provision may be subject to court challenge and ruled invalid or unconstitutional. For example, it is not legally clear whether state licensing boards can regulate persons working for federal agencies. Thus, if any provision is ruled invalid or unconstitutional, it is important that the entire Act not be affected. This can only be achieved by inserting a clause at the end of the Act stating that each provision of the Act is severable from all other provisions and that the declaration that one section is invalid or unconstitutional will not affect the constitutionality or enforceability of any other section.

If any section in this Act or any part of any section thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of any section or part thereof.

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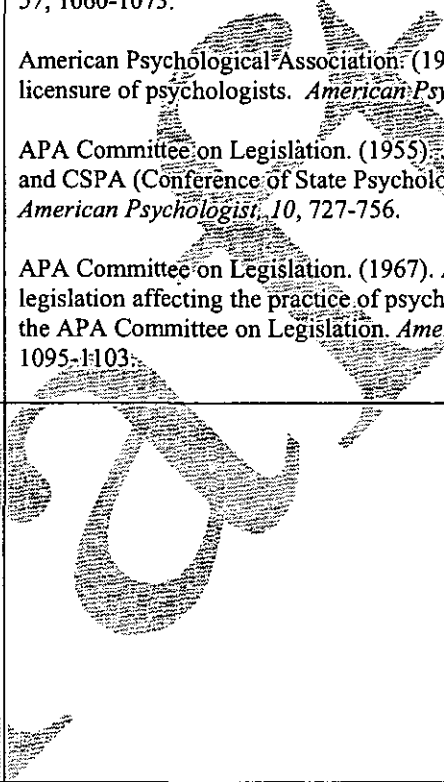
If any section in this Act or any part of any section thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of any section or part thereof.

#### ***O. Effective Date***

In any law regulating a profession there needs to be a specific date establishing when the law shall become effective. Thus, the final paragraph states:

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<p>This Act shall become effective upon the date it is signed by the Governor or on the date it otherwise becomes effective by operation of law.</p>	<p><i>This Act shall become effective upon the date it is signed by the Governor or on the date it otherwise becomes effective by operation of law.</i></p>
<p><b>References:</b></p> <p>APA Committee on Legislation. (1955). Joint report of the APA and CSPA (Conference of State Psychological Associations). <i>American Psychologist</i>, 10, 727-756.</p> <p>APA Committee on Legislation. (1967). A model for state legislation affecting the practice of psychology 1967: Report of the APA Committee on Legislation. <i>American Psychologist</i>, 22, 1095-1103.</p>	<p><b>References:</b></p> <p>American Psychological Association. (2002). Ethical principles of psychologists and code of conduct. <i>American Psychologist</i>, 57, 1060-1073.</p> <p>American Psychological Association. (1987). Model act for state licensure of psychologists. <i>American Psychologist</i>, 42, 696-703.</p> <p>APA Committee on Legislation. (1955). Joint report of the APA and CSPA (Conference of State Psychological Associations). <i>American Psychologist</i>, 10, 727-756.</p> <p>APA Committee on Legislation. (1967). A model for state legislation affecting the practice of psychology 1967: Report of the APA Committee on Legislation. <i>American Psychologist</i>, 22, 1095-1103.</p>
<p>The Model Act was developed over a period of three years, and was largely the work of Jarold R. Niven and Norma P. Simon, both members of the Board of Professional Affairs' Committee on Professional Practice (COPP). In the last year major revisions were accomplished by a COPP subcommittee chaired by Norma P. Simon and consisting of Jarold R. Niven, R. Mark Mays, David H. Reilly, and Tommy T. Stigall. As a member of the Board of Directors Subcommittee on the Future of Professional Psychology, Carl N. Zimet played a major role in the coordination process. Other COPP members who worked on the project over the three years include Jean L. Balinky, Jacob Chwast, Herbert Dorken, G. Rita Dudley, Thomas J. Hefele, Hannah R. Hirsh, Robert J. Resnick, and Castellano B. Turner. Bev Hitchins served as staff liaison to the project with the support of Patricia J. Aletky, Paul D. Nelson, and Russ Newman.</p> <p>Correspondence concerning this document should be addressed to Office of Professional Affairs, American Psychological Association, 1200 17th St., NW, Washington, DC 20036.</p>	

**Matthew Johnson**

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**From:** Rep. Wes Keller  
**Sent:** Monday, March 23, 2009 8:01 PM  
**To:** Matthew Johnson  
**Subject:** FW: Request for Information  
**Attachments:** RateChanges\_20090320.xls; BHserviceratesFiledNov26Partone (2) (3).pdf

Please print this email plus the attachments and put them in our file on HB110.  
thanks much  
w

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**From:** Casto, L Diane (HSS) [l.casto@alaska.gov]  
**Sent:** Monday, March 23, 2009 6:40 PM  
**To:** Rep. Wes Keller  
**Cc:** Laughlin, Wilda J (HSS)  
**Subject:** FW: Request for Information

Dear Representative Keller –

Last week at the hearing for HB 110, you asked a question related to the reimbursement rate for services and if the level of certification or type of provider (psychologist, social worker, etc.) influenced the rate of pay received. Since we have just made changes to our reimbursement rate, I wanted to check and be sure I gave you the correct response. Teri Keklak from our Anchorage office provides the following comments and attachments. As Teri states, the rate of reimbursement is based on the service, not the provider.

After you have a chance to review the attached information, please do not hesitate to contact me if you have additional questions. I hope this information answers your question.

L. Diane Casto, MPA  
Manager  
DBH, Prevention & Early Intervention Services  
907-465-1188

*Partners Promoting Healthy Communities*

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**From:** Keklak, Teri (HSS)  
**Sent:** Monday, March 23, 2009 2:48 PM  
**To:** Casto, L Diane (HSS)  
**Subject:** RE: Request for Information

Diane, the BH Medicaid rates for services provided at Community Mental Health Clinics and Substance Abuse Agencies are based on the service provided. While there are no differentials based solely on the credentials of the servicing provider, many of the services require a certain level of professional licensure. The cost of the individual practitioners was considered in our rate review and therefore the services that must be provided by licensed psychologists or physicians typically have the highest reimbursement rates. I have attached a copy of the revised regulations that indicate the rate changes that went into effect on December 26.

The Medicaid rates for services provided by Independent Psychologists are based on the Medicaid physician (RBRVS) fee schedule. As a result of the emergency regulations that were effective March 1, rates to these providers changed. I have attached a spreadsheet which indicates these changes.

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**From:** Casto, L Diane (HSS)  
**Sent:** Friday, March 20, 2009 1:08 PM  
**To:** Keklak, Teri (HSS)  
**Cc:** Knapp, Brenda L (HSS); Toner, Stacy B (HSS); Haines-Simeon, Mark C (HSS)  
**Subject:** Request for Information

Hello Teri – Yesterday I received a request for information from Rep. Keller asking if our payment rates vary for different professional groups – such as someone with a BSW, MSW, LCSW, Psychological Associate, Psychologist, etc.). I told him I would get the specific information to him—I know we just went through a rate review project, so I want to make sure I give him the most recent information. If I could have a response from you by COB Monday that would be great. Thanks so much. Please let me know if you have any questions.

L. Diane Casto, MPA  
Manager  
DBH, Prevention & Early Intervention Services  
907-465-1188

*Partners Promoting Healthy Communities*

Code	Description	Max thru 12/31/08	As of 1/1/09	As of 3/1/09
96101	Psychological testing (includes psychodiagnostic assessment of emotionality, intellectual abilities, personality and psychopathology, e.g., MMPI, Rorschach, WAIS), per hour of the psychologist's or physician's time, both face-to-face time administering tests to the patient and time interpreting these tests results and preparing the report.	\$123.82	\$164.22	\$151.06
96103	Psychological testing (includes psychodiagnostic assessment of emotionality, intellectual abilities, personality and psychopathology, e.g., MMPI), administered by a computer, with qualified health care professional interpretation and report.	\$57.36	\$79.61	\$73.23
96105	Assessment of aphasia (includes assessment of expressive and receptive speech and language function, language comprehension, speech production ability, reading, spelling, writing, e.g. by Boston Diagnostic Aphasia Examination) with interpretation and report, per hour.	\$101.01	\$106.97	\$98.39
96110	Developmental testing: limited (e.g. Developmental Screening test II, Early Language Milestone Screen) with interpretation and report	\$17.25	\$15.59	\$14.34
96111	Developmental testing: extended (includes assessment of motor, language, social adaptive and/or cognitive functioning by standardized developmental instruments) with interpretation and report.	\$186.97	\$245.56	\$225.87
96116	Neurobehavioral status exam (clinical assessment of thinking, reasoning and judgement, e.g., acquired knowledge, attention, language, memory, planning and problem solving, and visual spacial abilities), per hour of the psychologist's or physician's time, both face-to-face time with the patient and time interpreting test results and preparing the report.	\$139.02	\$178.20	\$163.92
96118	Neurobehavioral testing (e.g. Halstead-Reitan Neuropsychological Battery, Wechsler Memory Scales and Wisconsin Card Sorting Test), per hour of the psychologist's or physician's time, both face-to-face time administering tests to the patient and time interpreting these test results and preparing the report.	\$243.83	\$295.86	\$272.15

## Questions and Answers

Q: Why do we need this legislation? Have there been specific complaints submitted regarding people who are not licensed doing the work of a licensed psychologist?

A: The reason is protection of the public. Right now it is possible for someone who has lost their license for misconduct in another state, province, or territory to come to Alaska and obtain employment in an agency as a clinician, or potentially as a psychologist. The person would have the skills and the individual might even be given the title of Clinical Psychologist by an agency, but without being licensed the misconduct would go undiscovered and others could be hurt. By that person being required to obtain a license, their background would be thoroughly checked.

Q: Why should we remove the language "for a fee", which in essence defines the practice of psychology as only that work done in exchange for payment?

A: The reason the statute revision is necessary is the same as above, protection of the public. If you are not allowed to harm people for a fee, you shouldn't be allowed to harm them for free. This part of the bill will not impact other types of professionals – *only* licensed psychologists. This statute only applies to those who would qualify as psychologists educationally. (See comparison of psychologists to other licensed professionals in the counseling fields). These other types of counselors are exempt under AS 08.86.180(d). The language has nothing to do with pastors, pastoral counselors, licensed clinical social workers, marital and family counselors, licensed professional counselors, etc.

Q: What differentiates a psychologist's work from that of another type of licensed professional who engages in counseling work?

A: Psychologists are the only group who can purchase, perform and evaluate/interpret psychological tests – in fact, counseling is not necessarily an area of expertise for psychologists (as opposed to licensed professional counselors or marital and family counselors).

Q: Is the point of tightening the language to exclude faith based groups (which under current statute would fall under "private organizations")?

A: Faith-based has nothing to do with licensing. Faith-based is the concept that government funds can be used to fund ministries by faith-based groups to help people in a multitude of ways, such as treatment for substance abuse, sex-offenders, etc. As long as the workers are not presenting themselves to the

public as psychologists or psychological associates, this legislation would not apply.

Q: What are some examples of tests that only licensed psychologists can give? Why is it important that only licensed psychologists give these tests? Also - can school psychologists give any types of psychological tests, such as an IQ test?

A: I have attached a Test Qualification Form. Some of the tests cannot be purchased even by Psychological Associates because they must be licensed to a Psychologist or an agency that takes responsibility for the security and use of the test. To find the names of tests all you have to do is get a testing catalog or go on line to a test publisher. They require that you send in your credentials before you can buy the test. **IQ tests, Personality Tests, Neuropsychological Tests,** are examples of some that require licensure at the doctoral level.

## Compare Psychologists to other counselors

### Psychologists

1. Doctorate degree in psychology in:
  - o Clinical psychology
  - o Counseling psychology
  - o Education in equivalent field
2. Hasn't engaged in dishonorable conduct
3. Has **one** year post doctoral supervised experience approved by the board

**NB:** 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.

### Psychological Associates

1. Masters Degree in psychology in:
  - o Clinical psychology
  - o Counseling psychology
  - o Education in an equivalent field
2. Hasn't engaged in dishonorable conduct
3. Has **two** years of post masters supervised experience approved by the board
4. Takes and passes the objective examination approved by the board for psychological associates

**NB:** 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.

### Qualifications to take the Exam:

1. Hasn't engaged in dishonorable conduct
2. Holds a masters w/primary emphasis on psychology [...] with the equivalent of at least 48 semester credit hours of grad course work related to a specialized area of psychology
3. Has the recommendation of an immediate supervisor
4. *has not failed the exam w/in the proceeding 6 months*

### School Psychologists

1. Has a Masters or Doctoral degree in school psychology and
2. Has been recommended for endorsement by an institution whose psychology program has been approved by:
  - a. The National Council for Accreditation of Teacher Education,
  - b. The National Association of State Directors of Teacher Education and Certification,
  - c. The National Association of School Psychologists, or
  - d. The American Psychological AssociationAND has completed a 1200 hour internship in school psychology;  
OR

Be a nationally certified school psychologist under the National School Psychologist Certification System established by the National Association of School Psychologists

## Compare Psychologists to other counselors

### Licensed Professional Counselors

4. 18 or older
5. Is not under investigation
6. Has not had a license related to the practice of counseling, psychology, marital and family therapy or social work suspended, revoked or surrendered
7. Has passed a written exam
8. Has completed either:
  - o A Doctoral degree in counseling or a related field
  - o A Masters degree in counseling or a related field AND at least 60 graduate semester hours in counseling during or after earning the Masters degree
9. Has at least 3000 hours of supervised experience practicing professional counseling

### Marital and Family Therapists

5. Applies on a form
6. pays the fee
7. Furnishes evidence that:
  - o They haven't engaged in dishonorable conduct
  - o They hold a master's degree or doctorate in marital and family therapy or allied mental health field
  - o After receiving the degree mentioned above, has:
    - i. 1500 hours of clinical contact
    - ii. Supervised for at least 200 hours
  - o Has training related to domestic violence
  - o Has passed the written or oral examination

### Licensed Clinical Social Worker

3. Has a Masters or Doctoral degree in social worked
4. Has completed, within 10 years of application, and under the supervision of a licensed social worker:
  - a. At least two years of continuous full time employment in post-grad clinical social work, or
  - b. At least 3000 hours of less than full time employment in a period of not less than two years
5. Is of good moral character
6. Is in good professional standing
7. Has provided three professional references
8. Has completed the examination
9. Has paid the required fees
- 10.