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STATE OF ALASKA
THE LEGISLATURE

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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3000

May, 1986

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

Jeanie Henry

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

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

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May, 1988

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

Mary Van Nimwegen

HESS 2-11-86 1:36 PM

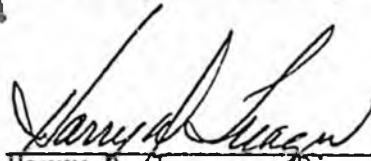
Superseded

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

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

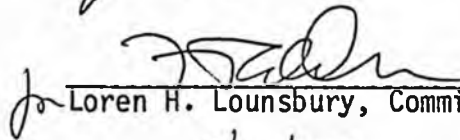
The changes proposed were similar to those offered by this agency during the last sunset review hearings. There is one concern in that the bill prohibits the board from recognizing professional (which in most cases are national) accrediting institutions as an alternative to approving academic institutions.

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



Harry D. Treager, Director
Division of Occupational Licensing

April 8, 1985
Date



Loren H. Lounsbury, Commissioner

4/10/85
Date

State's license law scored by fisherman

By JOHN MOULDER
Times Staff Writer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APR 30 1985

Superseded

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

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

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

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

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

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


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

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

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

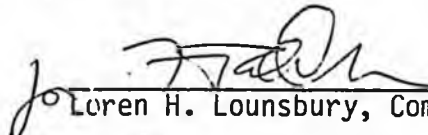
Section 08.86.150 LICENSE BY CREDENTIALS, should be amended on line 6 to read: "licensed or certified as a psychologist by a licensing [AN] authority" This ensures that licensure by credentials is based upon the sanction of a licensing authority in another state, and not upon an endorsement from an association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

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



Nancy Dunn, Director
Division of Occupational Licensing

Date: 2/11/86



Loren H. Lounsbury, Commissioner

Date: 2/11/86

SENATE BILL 251 - QUESTIONS & ANSWERS

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

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

Q. What is the purpose of SB 251?

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

Q. Why is this repeal necessary?

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

Q. What about the equivalency provision ?

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

Q. Is there evidence for this?

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

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

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

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

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

Q. What's the alternative?

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

- Q. Is the use of the APA criteria by the board arbitrary?
- A. Yes! The board has not provided the public or the legislature with any evidence that graduates of APA programs are superior to graduates of non-approved programs.
- Q. What if all but a handful of programs were approved by the APA? Would the APA requirements be legitimate then?
- A. No, not necessarily. This nation and this state are committed to equality. Minority groups have basic rights and these rights must be protected and preserved. On the one hand laws are not generally adopted for a single individual or special groups* and on the other, laws and regulations must not be based upon arbitrary criteria that would exclude certain persons.
- Q. Is there a precedent for the provision of SB 251?
- A. Yes, SB 251 is based on current California licensure law. The current California law has been in existence for several years and its provisions provide adequate protection for the public. So will SB 251.
- Q. What about the requirement for one year of post doctoral supervised experience in SB 251? Doesn't California require two years of post doctoral experience?
- A. California does require two years of supervised experience, but one year of this experience may be satisfied by pre-doctoral experience. A doctorate is required for licensure in SB 251 and it is assumed that an applicant will have a variety of supervised experiences by the time the doctorate is obtained. The one year of required post-doctoral supervised experience in SB 251 is the generally accepted standard for the field. The Alaska psychology licensure law is a generic law.
- Q. Does Harvard University have an APA-Approved psychology program?
- A. No. The psychology doctoral programs in many prestigious universities such as Harvard, Princeton, Stanford and Chicago have research and academic orientations. There is, however, a counseling and consulting program at Harvard in the Graduate School of Education, but it is not APA-Approved. The Counseling psychology program at Stanford received provisional accreditation from the APA on April 19, 1985.
- Q. Does the APA certify programs at the Masters level?
- A. No.
- Q. Can persons with master's degrees practice psychology?
- A. In Alaska, master level persons are licensed as psychological associates and can practice psychology under the supervision of a licensed psychologist. An amendment to SB 251 that would allow associates to petition the board for independent status after five years of supervised practice has received some support.

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

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

- Q. Will Alaskan universities ever develop doctoral programs in psychology?
- A. The answer to that question is not known, but the lack of doctoral programs related to Alaska's number one problem should not be due to shortage of funds. The proposed operating budget for FY1987 for the University of Alaska system is \$275,141,600.00. This figure does not include \$61,365,000.00 for scholarship loan funds; nor does it include \$4,919,100.00 that is proposed for the Alaska Postsecondary Education Commission to implement the WICHE student exchange program. It is not known how many WICHE students, if any, are studying psychology at the doctoral level.
- Q. What does SB 251 have to do with doctoral programs in psychology in Alaskan Universities?
- A. When doctoral psychology programs are finally developed in Alaska's universities, graduates will meet the basic educational requirement of SB 251 and will qualify for full licensure upon completion of one year of post doctoral supervised experience and examination requirements.
- Q. Is Alaska the only state that does not have a psychology doctoral program?
- A. No. Alaska shares this non-distinction with the state of Idaho. The University of Idaho does, however, have a doctoral program in guidance and counseling in Elementary Education.
- Q. Are federal funds available to help develop doctoral programs in Alaskan universities?
- A. In the past, many universities have received substantial grants from the National Institutes of Health and the National Science Foundation for developing graduate programs in psychology. These agencies also fund behavioral science research; the National Institutes of Health, for example, had a budget of \$150 million for biobehavioral research in 1984. This year, the agency will have \$137 million available for behavioral and social science research and training. Many other federal agencies have funds available for research and training.
- Q. SB 251 is based on California psychology licensure law, a law that does not require graduation from an APA approved program. Does California have any APA approved programs?
- A. Yes. Eleven professional schools and universities have APA approved programs in California, including programs in clinical, counseling and school psychology (two of these programs are provisionally approved).

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

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

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

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

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

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

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

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

Q. Will SB 251 change this?

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

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

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

SB 251

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

New York - 2 yrs. supervised experience
doctoral degree
not specified if post or pre dr.
program registered w/ dept
specific number of credits in each:
→ reqs - exper psych, develop, and diff. psych
tests, soc psych...

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

Hawaii - doctoral degree
accredited school
1 yr. supervised experience

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

Connecticut - doctoral degree
registered ed. institution / program approved Bd
1 yr. postdr. experience
req -> accredited

Illinois - doctoral degree
* approved by Dept.
2 yrs ^{not specified if post-dr.} supervised experience
* req - "guided but not bound by APA[®] & regional accreditation"
curriculum, supervise by psych, etc.

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

Alabama - doctoral degree
accredited school
no experience!

N. Dakota - accredited school
doctoral degree
no experience!

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

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

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

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

please see page 3 below and page 3 of the regulations

Chapter 18.83 RCW PSYCHOLOGISTS

Sections

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

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

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

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

RCW 18.83.010 Definitions. When used in this chapter:

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

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

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

(2) "Director" means director of licensing.

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

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

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

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

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

Severability—1984 c 279: See RCW 18.130.901.

RCW 18.83.051 Examining board—Compensation and expenses. (Effective until July 1, 1985.) Each member of the board shall receive the sum of twenty-five dollars for each day actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1983 c 168 § 10; 1975-'76 2nd ex.s. c 34 § 48; 1969 ex.s. c 199 § 19; 1965 c 70 § 21.]

Severability—1983 c 168: See RCW 18.120.910.

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

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

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

Severability—1983 c 168: See RCW 18.120.910.

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

Severability—1984 c 279: See RCW 18.130.901.

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

(1) The applicant is of good moral character.

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

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

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

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

Privileged communications—Physician and patient: RCW 5.60.060.

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

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

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

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

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

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

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

(7) Failure to cooperate with the committee by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20) The wilful betrayal of a professional secret.

(21) Violation of chapter 19.68 RCW. [1984 c 279 § 54; 1965 c 70 § 12; 1955 c 305 § 13.]

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

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

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

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

(6) Being negligent in the practice of psychology.

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

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

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

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

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

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

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

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

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

The committee shall have the following authority:

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

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

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

(4) To compel attendance of witnesses at hearings;

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

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

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

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

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

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

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

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

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

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

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

(a) The person or agency initiating the action;

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

(c) The public.

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

Severability—1984 c 279: See RCW 18.130.901.

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

Severability—1984 c 279: See RCW 18.130.901.

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

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

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

citizen of the same county may maintain an action in the name of the state to enjoin such person from representing himself as a psychologist. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his license. [1965 c 70 § 2A]

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RCW 18.83.200 Exemptions. This chapter shall not apply to:

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

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

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

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

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

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

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

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

Chapter 308-122 WAC
 RULES AND REGULATIONS PERTAINING TO
 PSYCHOLOGISTS

WAC

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

DISPOSITION OF SECTIONS
 FORMERLY CODIFIED IN THIS CHAPTER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Regarding school psychology, supervision should include;

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

(ii) Assessment procedures

(iii) Psychological reporting

(iv) Consultation

(v) Follow through

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

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

(b) Independent individual or group private practice.

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

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

WAC 308-122-220 PSYCHOLOGISTS-WRITTEN EXAMINATION.

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

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

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

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

(4) Behavior modification including learning and applications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Intellectual and/or personality assessment. (e.g. psychometrist or neuropsychological technician.)
- (2) Educational-vocational counseling. (e.g. educational counselor, high school or college counselor, vocational counselor or rehabilitation counselor.)
- (3) Mental health counseling. (e.g. alcohol and drug counselor, behavior modification counselor, or group counseling co-leader.)
- (4) Educational development and learning. (e.g. counseling and evaluation of education related problems.)
- (5) Research.
- (6) Industrial/organizational development. (e.g. personnel technician, group process co-leader, organizational development staff member.) Specific functions other than those listed above may be suggested by applicants and subsequently determined and approved by the board. [Order PL 202, § 308-122-400, filed 10/1/75.]

WAC 308-122-410 PSYCHOLOGISTS--WRITTEN EXAMINATION. The applicant must satisfactorily pass the written examination developed by the professional testing service of the American Association of State Psychology Boards. The cutting score for the written examination shall be 75% of the raw score. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year. [Statutory Authority: RCW 18.83.050. 80-07-010 (Order PL 346), § 308-122-410, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-410, filed 7/9/79; Order PL 202, § 308-122-410, filed 10/1/75.]

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

- (1) Professional judgment in the applicant's specialty areas; and
- (2) Knowledge of current laws regulating the practice of psychology; and
- (3) Knowledge and awareness of ethical issues and problems in the applicant's specialty areas and for psychologists in general; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Examples of acceptable category V activities include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ILLINOIS
DEPARTMENT OF REGISTRATION AND EDUCATION

THE PSYCHOLOGIST REGISTRATION ACT

Revised 1983

Printed in 1985 by Authority of the State of Illinois

STATE OF ILLINOIS

The PSYCHOLOGIST REGISTRATION ACT

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

DEPARTMENT OF REGISTRATION AND EDUCATION

Springfield

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

(Printed by the Authority of the State of Illinois)

1985

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

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THE PSYCHOLOGIST REGISTRATION ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ILLINOIS
DEPARTMENT OF REGISTRATION AND EDUCATION

RULES FOR THE
ADMINISTRATION OF THE
PSYCHOLOGIST REGISTRATION ACT

Revised 1982

Printed in 1985 by Authority of the State of Illinois

STATE OF ILLINOIS

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

PART 400

PSYCHOLOGIST REGISTRATION ACT

DEPARTMENT OF REGISTRATION AND EDUCATION
SPRINGFIELD

(Printed by Authority of the State of Illinois)

1985

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

PART 400
PSYCHOLOGIST REGISTRATION ACT

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

PART 400
PSYCHOLOGIST REGISTRATION ACT

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

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

Section 400.10 Statutory Authority

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

Section 400.20 Approval of Educational Programs

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

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

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

an expected product of doctoral training in psychology.

b) Withdrawal of Approval

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

Section 400.30 Professional Experience

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

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

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

Section 400.40 Application for Examination

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

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

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

Section 400.50 Examination

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

Section 400.60 Endorsement

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

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

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

Section 400.65 Renewals

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

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

Section 400.70 Restoration

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

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

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

Section 400.60 Unethical, Unauthorized, or Unprofessional Conduct

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

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

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

Section 400.90 Granting Variances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REPEAL OF ACT

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

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

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

CHAPTER 490

PSYCHOLOGICAL SERVICES

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490.014 Exemptions.
490.015 Duties of the department.

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

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.
Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

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

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.
Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

490.003 Definitions.—

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

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

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

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

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

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

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

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.
Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

490.004 Board of Psychological Examiners.

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

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

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

- (a) Two members for terms of 2 years each.
(b) Two members for terms of 3 years each.
(c) Three members for terms of 4 years each.

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

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

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

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

History.—s. 1, 3, ch. 81-235; s. 1, 3, ch. 83-265.
Note.—Repealed effective October 1, 1988, by s. 1, ch. 83-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

490.005 Licensure by examination.—

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

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

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

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

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

(d) Passed the examination.

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

(a) Clinical social worker who:

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

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

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

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

(b) Marriage and family therapist who:

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

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

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

a. A minimum of a master's degree.

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

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

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

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

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

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

(c) Mental health counselor who:

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

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

accrediting agency approved by the United States Department of Education:

a. A minimum of a master's degree.

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

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

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

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

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

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

(d) School psychologist who:

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

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

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

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

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

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

'490.006 Licensure by endorsement.—

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

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

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

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

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

'490.007 Renewal of license.—

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

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

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

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

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

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

'490.008 Inactive status.—

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

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

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

History.—s. 1, ch. 81-275, as 1, ch. 81-265; s. 115, ch. 81-329.
Note.—Repealed effective October 1, 1985, by s. 1, ch. 81-265, and scheduled for review pursuant to s. 11.61 in advance of that date.

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

490.009 Discipline.—

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

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

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

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

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

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

(f) Issuance of a public reprimand.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'490.0111 Sexual misconduct in the practice of a profession which is licensed under this chapter.—Sexual misconduct in the practice of clinical social work, marriage and family therapy, mental health counseling, psychology, or school psychology is prohibited. Sexual misconduct shall be defined by rule.

History.—ss. 1, 3, ch. 81-235; ss. 1, 3, ch. 83-255.

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

'490.012 Violations; penalties; injunction.—

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

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

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

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

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

'490.014 Exemptions.—

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

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

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

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

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

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

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

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

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

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

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

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

'490.015 Duties of the department.—

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

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

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

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

CHAPTER 84-168

House Bill No. 1013

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

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

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

490.0055 Continuing education approval.--

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

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

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

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

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

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

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

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

Approved by the Governor June 11, 1984.

Filed in Office Secretary of State June 12, 1984.

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

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

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

- 21U-10.01 Purpose
- 21U-10.02 Composition
- 21U-10.03 Quorum
- 21U-10.04 General Description of Agency
Organization and Operations
- 21U-10.05 Board's Official Headquarters
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- 21U-10.10 Public Information and Inspection of Records
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- 21U-10.13 Conducting Meetings, Hearings, and Workshops by
Communications Media Technology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Complaints and all information obtained pursuant to the Department's investigation, until ten (10) days after probable cause has been found to exist or until the registered professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first (Section 455.225(9), F.S.);
- (2) An applicant's examination questions, answers, papers, grades and grading key, except as to that individual applicant (Sections 455.229, 119.07(3), F.S.); and
- (3) Financial information about an applicant or licensee (Section 455.299, F.S.).

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

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

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

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

21U-11.01 Reserved

21U-11.02 Reserved.

21U-11.03 Examination.

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

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

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

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

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

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

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

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

21U-11.04 Licensure by Endorsement.

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

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

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



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

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

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

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

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

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

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

21U-11.05 Licensure by Exception.

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

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

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

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

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

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

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

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

(e) statistics and research methodology, and

(f) methodology for the application of psychological knowledge.

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

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

21U-11.06 Certificates for Licensure by Examination.

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

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

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

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

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

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

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

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

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

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

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

9. The doctoral program shall require a minimum of:

- a. The equivalent of three full-time academic years of graduate study;
- b. Two academic years of the three shall be in full-time residence at the institution from which the doctoral degree is granted.

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

- a. biological bases of behavior (e.g., physiological, psychology, comparative psychology, neuropsychology, psychopharmacology),
- b. cognitive-affective bases of behavior (e.g., learning, memory, perception, cognition, thinking, motivation, emotion),
- c. social bases of behavior (e.g., social psychology, cultural-ethnic and group processes, sex roles, organization and systems theory), and
- d. individual behavior (e.g. personality theory, human development, individual differences, abnormal psychology, psychology of women, psychology of the handicapped).

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

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

See California Regulation 1386.

(10)

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

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

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

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

21U-12.03 Re-examination Fee.

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

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

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

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

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

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

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

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

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

21U-13.01 Renewal of Active License.

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

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

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

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

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

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

21U-13.04 Continuing Education. Repealed.

21U-13.041 Continuing Education.

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

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

(b) Have stated learning objectives;

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

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

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

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

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

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

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

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

(a) Regular work activities as a psychologist

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

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

(d) Independent, unstructured or self-structured learning

(e) Personal Psychotherapy or growth experience

(f) Authorship or editing of books or articles

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

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

- (a) Provide the Board:
 1. A proposed program which meets the criteria of subsection (1) of this rule;
 2. A sample program evaluation form;
 3. A summary of the organization structure for the administration of continuing education programs;

- (b) Sign and abide by a written agreement to:
 1. Provide an identifiable person to be responsible for and present at each presentation of the continuing education programs.

2. Ensure that each program to be presented by the provider is reviewed by a licensed psychologist to ascertain whether the program meets the criteria of subsection (1) of this rule. The reviewing psychologist shall sign a statement approving the program as meeting the criteria of the subsection (1) of this rule, and the provider shall have such signed statement on file prior to presentation of the program.

3. Retain post-session evaluation forms for at least three years;

4. Provide all programs for continuing education credit in accordance with subsection (1);

5. Retain a "sign-in" sheet with the signature of participants for at least three years;

6. Provide each participant with a certificate authorized by the Board verifying that the program has been completed. The certificate shall not be issued until completion of the program and shall contain the provider's name and number, title of program, instructor, date of program, location, and number of hours of continuing education credits;

7. Notify the Board of any significant changes relative to maintenance of standards as set forth in these rules.

(6) The board retains the right and authority to audit and/or monitor programs given by any provider. The Board may rescind provider status or reject individual programs given by a provider if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the provider failed to conform to and abide by the written agreement and rules of the board.

(7) One hour of continuing education is defined as no less than fifty (50) uninterrupted minutes of learning in one hour.

(a) Presentors/moderators of program designed for continuing education may receive credit on a one time basis for programs where they are actually in attendance for the complete program. A maximum of 10 hours of credit per biennium may be received for presenting/moderating a program.

(b) Twenty (20) hours of continuing education credit will be approved per biennium for successful completion of an examination leading to granting of the diplomate in a specialty area by the American Board of Professional Psychology, the American Board of Forensic Psychology or the American Board of Psychological Hypnosis. These 20 credits may be claimed only during the biennium during which the diplomate is first awarded.

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

21U-15.03 Probable Cause Determination.

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

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

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

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

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

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

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

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

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

(a) three years of regulatory inspection experience; or

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

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

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

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

21U-16.02 Definitions.

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

21U-16.03 Qualifications to Enter an Augmentation Program.

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

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

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

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

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

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

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

21U-17.01 Definitions

21U-17.02 Minimum Standards for Pre-Licensure Experience

21U-17.03 Pre-Licensure Titles

21U-17.04 Supervisor/Associate Responsibility

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

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

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

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

21U-17.02 Minimum Standards for Pre-Licensure Experiences

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

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

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

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

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

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

21U-17.03 Pre-Licensure Titles

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

(2) An applicant acquiring post-doctoral experience in Florida shall be known by the title "Psychological Resident".

(3) A "psychological Intern", "Psychological Trainee", and "Psychological Resident" shall inform each client at th time of initiating services of the nature and requirements of supervised status and of the name and affiliation of the supervisor/associate.

(4) All promotional materials, including cards, brochures, stationary advertisements, signs, etc., naming the applicant shall also bear the name and affiliation of the supervisor/associate.

21U-17.04 Supervisor/Associate Responsibility. Failure of the supervisor/associate to follow the requirements of this rule is a violation subject to disciplinary action by the Board.

21U-18.01 Return of Certificates or Licenses
21U-18.02 Time for Payment of Civil Penalties.

21U-18.01 Return of Certificates of Licenses. Any certificate or license issued by the Department of Professional Regulation which is subsequently suspended or revoked by the Board shall be returned to the Department's administration offices, within 30 days of filing of the Final Order with the Clerk of the Department of Professional Regulation.

21U-18.02 Time for Payment of Civil Penalties. In cases where the Board has imposed a civil penalty for violation of Chapter 455 or 490, Florida Statutes, or the rules promulgated thereunder, the penalty shall be paid within 30 days of the filing of the Order with the Clerk of the Department of Professional Regulation.