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*Please see page 3  
and page 21*

**STATE OF MISSOURI  
PSYCHOLOGY  
PRACTICE ACT**

**Missouri Statutes,  
Rules and Regulations  
Chapter 337 — Psychologists**



**April, 1984**

**Issued by  
Missouri State Committee of Psychologists  
P.O. Box 4  
Jefferson City, Missouri 65102**

## Chapter 337

### PSYCHOLOGISTS

- Section
- 337.010. Definitions.
- 337.015. Practice of psychology regulated — practice of psychology defined.
- 337.020. License, application, qualifications, fees.
- 337.025. Department to determine applicant's professional experience.
- 337.030. License required, fee — late registration penalty — lost certificate, how replaced — fees, amount, how set.
- 337.035. Denial, revocation, or suspension of license, grounds for.
- 337.040. Exemption for social psychologists.
- 337.045. Exempted professions and occupations — temporary practice authorized.
- 337.050. State committee of psychologists created — qualifications — removal of members — rules, suspension and reinstatement.
- 337.055. Privileged communications, when.
- 337.060. Licensed psychologists not to practice medicine.
- 337.065. Violations, penalty — department may sue in own name.
- 337.070. Local governments prohibited from taxing or licensing psychologists.
- 337.085. Fees, collection, disposition, use.

#### CROSS REFERENCE

Board appointments, discrimination prohibited, RSMo 620.120.

Rules and regulations, occupations and professions, suspension and reinstatement procedure, RSMo 620.010.

**337.010. Definitions.**—1. As used in sections 337.010 to 337.070 the following terms mean:

- (1) "Board", the Missouri board of healing arts;
- (2) "Department", the department of consumer affairs, regulation and licensing;
- (3) "Recognized educational institution", a school, college, university or other institution of higher learning,

# Exhibit F1

which has a graduate program in psychology and which is accredited by one of the regional accrediting associations approved by the Council on Postsecondary Accreditation.

(L. 1977 H.B. 255 § 1. A.L. 1981 S.B. 16)

**337.015. Practice of psychology regulated — practice of psychology defined.**—1. No person shall represent himself as a psychologist or practice as a psychologist in the state of Missouri unless he is validly licensed and registered under the provisions of this chapter.

2. A person represents himself as a "psychologist" within the meaning of this chapter when he holds himself out to the public by any title or description of services incorporating the words "psychology", "psychological", or "psychologist", and offers to render or renders services as defined below to individuals, groups, organizations, or the public for a fee, monetary or otherwise.

3. The "practice of psychology" within the meaning of this chapter is defined as rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, behavior, modification, and psychotherapy; of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation; and of assessing public opinion.

4. The application of these principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and mental disturbances of individuals and groups; hypnosis; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work and learning situations; advertising and market research; and the resolution of interpersonal and social conflicts.

(L. 1977 H.B. 255 § 2. A.L. 1981 S.B. 16)

**337.020. License, application, qualifications, fees.**—1. Each person desiring to obtain a license as a psychologist shall make application to the department upon such forms and in such manner as may be prescribed by the department and shall pay the required application fee. The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its

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representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

2. Each applicant shall submit evidence satisfactory to the department that he is at least twenty-one years of age, is of good moral character, has had at least one year of satisfactory supervised professional experience in the general field of psychology, as defined by rule, and that he either

(a) Has received a doctoral degree, based on a program of studies from a recognized educational institution the contents of which were primarily psychological, as defined by rule; or

(b) Has received from a recognized educational institution a master's degree, based on a program of studies the contents of which were primarily psychological, as defined by rule, and who has in addition had three years of satisfactory, as defined by rule, professional experience; or

(c) Is currently licensed or certified as a psychologist by another state wherein the requirements for licensing or certification are substantially equal to those in force in this state at the time application for such licensing is filed.

3. The department shall license and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of this section, passes the examination offered by the department, except that an applicant fulfilling the requirement of subdivision (c) of subsection 2 of this section shall be licensed without examination. Written examinations under sections 337.010 to 337.070 shall be administered by the department twice each year to those applicants who meet the other requirements for licensure. The department shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, and professional affairs and ethics.

4. If an applicant fails his examination, he shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

5. The provisions of this chapter shall not apply to hypnotherapists.

(L. 1977 H.B. 255 § 3, A.L. 1981 S.B. 16)

**337.025. Department to determine applicant's professional experience.**—In determining the acceptability of the applicant's professional experience, the department may require the evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence to the department in the manner required by the department.

(L. 1977 H.B. 255 § 4)

**337.030. License required, fee — late registration penalty — lost certificate, how replaced — fees, amount, how set.**—1. Each psychologist licensed under the provisions of this chapter, who has not filed with the department a verified statement that he has retired from or terminated his practice of psychology in this state, shall register with the department on or before the registration renewal date. The department shall require a registration fee which shall be submitted together with the information required for such registration. Upon receipt of the required information and of the registration fee, the department shall issue a certificate of registration. The department shall, when licensing any applicant under the provisions of section 337.020, grant him, without payment of any further fee, a certificate of registration valid until the next registration renewal date.

2. Failure to provide the department with the information required for registration, or to pay the registration fee, shall after notification effect a revocation of the license after a period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration renewal date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the board, upon payment of a reasonable fee.

4. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

(L. 1977 H.B. 255 § 5, A.L. 1981 S.B. 16)

**337.035. Denial, revocation, or suspension of**

**license, grounds for.—1.** The department may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 161, RSMo.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 161, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in "Ethical Standards for Psychologists" as adopted by the department and filed with the secretary of state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 161, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke, the license, certificate, or permit.

(L. 1977 H.B. 255 § 6, A.L. 1981 S.B. 16)

**337.040. Exemption for social psychologists.—**Nothing in sections 337.010 to 337.070 is to be construed as restricting the use of the term "social psy-

chologist" by any person who has been graduated with a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by recognized educational institutions and who has passed a comprehensive examination in the field of social psychology as a part of the requirement for the doctoral degree, or has had equivalent specialized training in social psychology, and has filed with the department a statement of facts demonstrating his compliance hereunder.

(L. 1977 H. R. 255 § 7)

**337.045. Exempted professions and occupations — temporary practice authorized.**—Nothing in this chapter shall in any way limit:

(1) Qualified members of other professional groups such as teachers, school psychological examiners and counselors in public or private schools, clergymen, practitioners of medicine, practitioners of chiropractic, practitioners of optometry, attorneys, social workers, vocational counselors, vocational rehabilitation counselors, nurses, or duly accredited Christian Science practitioners from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions; except as provided in this subsection, they shall not hold themselves out to the public by any title or description incorporating the words "psychological", "psychologist", or "psychology"; or

(2) The activities, services, or use of official title on the part of any person in the employ of a governmental agency, or of a duly chartered educational institution, or of a corporation primarily engaged in research, insofar as such activities or services are part of the duties of his employment; or

(3) The activities or services of a student or trainee in psychology whose activities constitute a part of his supervised course of study; provided, however, that he is designated by a title clearly indicating training status; or

(4) The use of psychological techniques by government institutions, commercial organizations or individuals for employment, evaluation, promotion or job adjustment of their own employees or employee-applicants, or by employment agencies for evaluation of their own clients prior to recommendation for

employment; provided that no government institution commercial organization or individual shall sell or offer these services to the public or to other firms organizations or individuals for remuneration, unless the services are performed or supervised by a person licensed and registered under this chapter; or

(5) The practice of psychology in the state of Missouri for a temporary period as hereinafter provided by a person who resides outside the state of Missouri, and who practices as a psychologist and conducts the major part of his practice outside the state. The temporary period shall not exceed ten consecutive business days in any period of ninety days, nor in the aggregate exceed fifteen business days in any nine-month period.

(L. 1977 H.B. 255 § 8, A.L. 1981 S.R. 16)

**337.050. State committee of psychologists created — qualifications — removal of members — rules, suspension and reinstatement.**—1. There is created and established, as an adjunct to the board, the "State Committee of Psychologists", which shall consist of five psychologists and one voting public member and who shall be appointed by the director of the department, and which shall, in collaboration with the board, guide, advise and make recommendations to the department. Committee members shall serve for a term of five years. No person shall be eligible for appointment to the committee of psychologists who has served as a member of the committee for a total of ten years.

2. Each committee member, other than the public member, shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall meet all the requirements for licensing enumerated in section 337.020 and shall be licensed under this chapter. To insure adequate representation of the diverse fields of psychology, the committee shall have at least two members who are primarily engaged in teaching, training, or research in psychology, one of whom is employed on a full-time basis in a teaching position at a recognized college or university, and at least two members who are primarily engaged in rendering service in psychology for at least five years prior to appointment, one of whom is engaged at least eighty percent of the time in the private practice of counseling or psychotherapy. If a member of the committee shall, during his term as a committee member, remove his

domicile from the state of Missouri, then the committee shall immediately notify the director of the department, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment of the director of the department, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant. The public member shall be at the time of his appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated under this chapter. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

3. The committee shall hold a regular annual meeting at which it shall select from among its members a chairman and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairman, the secretary shall conduct the office of the chairman.

4. No member of the committee shall receive any compensation for the performance of his official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of his duties. All staff for the committee shall be provided by the director of the department of consumer affairs, regulation and licensing, through the director of the division of professional registration.

5. The department may adopt and promulgate rules governing the conduct of the committee members, setting forth limits of reimbursement of its members, as set forth in subsection 4 of this section, and such other rules, in accordance with law, as shall be reasonable and proper in enabling the committee to function and carry out the purposes of this chapter. All such rules shall be promulgated and published in the manner provided in chapter 536, RSMo.

6. The director of the department may remove any member of the committee for misconduct, inefficiency, incompetency, or neglect of office.

7. Any rule or portion of a rule promulgated pursuant to this section may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor.

(L. 1977 H.B. 255 § 9, A.L. 1981 S.B. 200 & S.B. 16)

**337.055. Privileged communications, when.—** Any communication made by any person to a licensed psychologist in the course of professional services rendered by the licensed psychologist shall be deemed a privileged communication and the licensed psychologist shall not be examined or be made to testify to any privileged communication without the prior consent of the person who received his professional services.

(L. 1977 H.B. 255 § 10)

**337.060. Licensed psychologists not to practice medicine.—** Nothing in this chapter shall be construed as authorizing persons licensed and registered as psychologists to engage in any manner in the practice of medicine as defined in the laws of this state.

(L. 1977 H.B. 255 § 11, A.L. 1981 S.B. 16)

**337.065. Violations, penalty—department may sue in own name.—** 1. Any person found guilty of violating any provision of this chapter is guilty of a class A misdemeanor and upon conviction thereof shall be punished as provided by law.

2. The department may sue in its own name in any court in this state.

(L. 1977 H.B. 255 § 12, A.L. 1981 S.B. 16)

**337.070. Local governments prohibited from taxing or licensing psychologists.—** No person who has been licensed by the department as a psychologist in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession.

(L. 1977 H.B. 255 § 13)

**337.085. Fees, collection, disposition, use.**—All moneys payable under this chapter shall be collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Board of Registration for the Healing Arts Fund". All costs and expenses incurred in administering this chapter shall be appropriated and paid from this fund.

(L. 1981 S.B. 16)

**Title 4—DEPARTMENT OF  
CONSUMER AFFAIRS, REGULATION  
AND LICENSING**

**Division 235—State Committee of Psychologists  
Chapter 1—General Rules**

**4 CSR 235-1.010 State Committee of Psychologists**

*PURPOSE: The purpose of this rule is to comply with section 337.050, RSMo (Supp. 1981) which permits the department to adopt and promulgate rules governing the conduct of the state committee of psychologists.*

(1) The five (5) members of the State Committee of Psychologists who are initially appointed shall meet within sixty (60) days of the appointment of the fifth member and at such first meeting shall select the chairman and the secretary of the committee. Thereafter, the committee shall meet at the call of the chairman or by a notice signed by not less than three (3) members of the committee. The committee shall meet at least once during each calendar year and as frequently as the business of the committee requires. The committee shall, with the assistance of the State Board of Registration for the Healing Arts and its staff, provide all application forms and maintain all records contemplated by House Bill 255 of the Seventy-Ninth General Assembly and shall make regular reports to the board concerning the fulfillment of its functions and duties. The committee shall screen all applicants for licensure as psychologists and report to the director of the department,

through the board, concerning the qualifications of all applicants.

Auth: section 337.050, RSMo(Supp. 1981). Emergency rule filed Oct. 4, 1977, effective Oct. 14, 1977, expired Feb. 11, 1978. Original rule filed Oct. 4, 1977, effective Feb. 11, 1978.

#### 4 CSR 235-1.020 Fees

*PURPOSE: This rule establishes and fixes the various fees and charges authorized by chapter 337, RSMo (Supp. 1981).*

(1) The following fees hereby are established by the State Committee of Psychologists:

(A) Application Fee	\$125.00;
(B) Reciprocity Fee	\$125.00;
(C) Annual Renewal Fee	\$ 65.00;
(and)	
(D) Late Renewal Fee	(\$ 20.00)
1. 60 days to 6 months	\$ 20.00;
2. 6 months to 1 year	\$ 85.00;
3. 1 year to 2 years	\$150.00;
(E) Endorsement Fee	\$ 25.00;
(F) Duplicate Wall-Hanging License Fee	\$ 10.00;
(and)	
(G) Upgrade Wall-Hanging License	\$ 30.00.

(2) All Fees are non-refundable.

(3) The provisions of this rule hereby are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction, or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

Auth: 337.030.4 RSMo (Supp. 1981). Emergency rule filed Dec. 9, 1981, effective Jan. 11, 1982, expired April 4, 1982. Original rule filed Dec. 9, 1981, effective April 14, 1982. Amended: Filed Aug. 12, 1983, effective Dec. 11, 1983.

#### 4 CSR 235-1.030 Licensure by Examination

*PURPOSE: This rule outlines and standardizes the procedures followed by the committee in*

*receiving and considering information relative to an applicant's qualifications for licensure by examination.*

(1) Applications for licensure by examination must be made on the forms provided by the State Committee of Psychologists. Application forms may be obtained by writing the State Committee of Psychologists, P.O. Box 4, Jefferson City, MO 65102.

(2) Applications and all other documents required by the committee must be received at least sixty (60) days before the examination. Applications received or completed less than sixty (60) days before the next scheduled examination will not be considered for the following examination.

(3) Following the committee's review, the applicant will be informed by letter either - a) that his application for examination has been approved, or b) that it has been rejected. Any rejection letter will outline, with as much specificity as practicable, the reasons for rejection.

(4) Twice each year at Jefferson City, the committee will conduct examinations of qualified applicants for licensure as a psychologist. The time and location of each examination will be determined by the committee and may be obtained by contacting the executive secretary. Examinations will be conducted and supervised by the executive secretary, or his designees, under the supervision of the State Committee of Psychologists.

(5) An applicant will be deemed to have passed the examination if his score is equal to or greater than the national mean score for that examination as computed by the testing service. For purposes of computing an applicant's score, the standard error of the mean shall not be considered.

(6) Applicants will be informed by letter of the results of the examination. Any applicant who fails the examination will be permitted to sit for the next examination upon payment of the re-examination fee; provided, however, that no applicant will be permitted to take the examination more than three (3) times.

Auth: section 337.050.5, RSMo (Supp. 1981). Emergency rule filed Jan. 22, 1982, effective Feb. 1, 1982, expired June 1, 1982. Original rule filed Jan. 22, 1982, effective May 13, 1982.

#### **4 CSR 235-1.040 Public Complaint Handling and Disposition Procedure**

*PURPOSE: To establish a procedure for the receipt, handling, and disposition of public complaints pursuant to the mandate of section 620.010.16(6), RSMo (Supp. 1981).*

(1) The State Committee of Psychologists will receive and process each complaint made against any licensee, registrant of the committee, or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of chapter 337, RSMo. Any member of the public or the profession, or any federal, state, or local official, may make and file a complaint with the committee. Complaints will be received from sources both within and without the state of Missouri and processed in the same manner as those originating within Missouri. No member of the State Committee of Psychologists may file a complaint with this committee while holding that office, unless that member is excused from further committee deliberation or activity concerning the matters alleged within that complaint. The executive secretary or any committee staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: State Committee of Psychologists, 3523 North Ten Mile Drive, P.O. Box 4, Jefferson City, MO 65102. However, actual receipt of the complaint by the committee at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Oral or telephone communications will not be considered or processed as complaints, but the person making such communications will be asked to supplement those communications with a written statement.

(4) Each complaint received under this rule will be logged in a book maintained by the committee for that purpose. The log book will contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the committee or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log book shall be a closed record of the committee.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the committee's authority to file a complaint with the Administrative Hearing Commission charging a licensee or registrant of the committee with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the committee, and whether or not any public complaint has been filed with the committee.

(7) The committee interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the committee. This rule is not deemed to protect, or inure to the benefit of, those licensees, registrants, or other persons against whom the committee has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of chapter 337, RSMo.

Auth: sections 337.050.5 and 020.010.16(6), RSMo (Supp. 1981). Original rule filed Feb. 10, 1982, effective May 13, 1982.

#### **4 CSR 235-1.050 Renewal of License**

*PURPOSE: This rule establishes the obligation of licensees for renewal of their licenses.*

(1) Failure of a licensee to receive the notice and

application to renew his license shall not excuse him from the requirement of section 337.030, RSMo to renew his license.

(2) Any licensee who fails to renew his license within the sixty (60)-day period set forth in section 337.030.2, RSMo shall not perform any act for which a license is required.

Auth: section 337.050 RSMo (Supp. 1982). Original rule filed Aug. 11, 1983, effective Dec. 11, 1983.

#### **4 CSR 235-1.060 Notification of Change of Address**

*PURPOSE: This rule establishes the obligation of licensees to inform the State Committee of Psychologists of their changes of address.*

All licensees must inform the State Committee of Psychologists of all changes in the mailing address as it appears on the licensees' licenses by sending a letter to the committee's office in Jefferson City, Missouri, within thirty (30) days of the effective date of the change.

Auth: section 337.050 RSMo (Supp. 1982). Original rule filed Aug. 11, 1983, effective Dec. 11, 1983.

### **Chapter 2—Professional Experience**

#### **4 CSR 235-2.010 Supervised Professional Experience**

(Rescinded Dec. 11, 1983)

#### **4 CSR 235-2.020 Supervised Professional Experience**

*PURPOSE: The purpose of this rule is to define the one year of "supervised professional experience" required of all applicants under section 337.020.2, RSMo.*

(1) All applicants for licensure as a psychologist by examination, whether applying on the basis of a master's degree or a doctorate degree, must have had at least one (1) year of satisfactory supervised professional experience in the general field of psychology

as defined in this rule, and must demonstrate compliance with this rule on the attestation forms provided by the committee. Attestation forms may be obtained by writing the committee's executive secretary at P.O. Box 4, Jefferson City, MO 65102.

(2) As applied to periods of supervised professional experience commencing before January 1, 1984, the phrase "satisfactory supervised professional experience in the general field of psychology" as used in section 337.020.2, RSMo, means: post-degree training or practice of psychology in an organized health service training program or its psychological equivalent under the supervision of a licensed psychologist who is not a relative of the trainee. Professional experience which was gained by an applicant before September 28, 1977, will be deemed acceptable if such experience was supervised by a person, not a relative of the trainee, who would have been eligible for licensure at the time the supervision occurred. The psychological activities of the applicant shall be performed pursuant to the supervisor's order, control, and full professional responsibility. Reports prepared by the applicant during the period of the supervised professional experience should be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and shall meet with individual supervision. Group supervision is not acceptable for supervised professional experience under this regulation. The supervisor must certify to the department that the applicant has complied with these requirements for supervised professional experience.

(3) As applied to periods of supervision commencing on or After January 1, 1984, the phrase "satisfactory supervised professional experience in the general field of psychology" as used in section 337.020.2, RSMo shall mean post-degree training or practice of psychology obtained under the supervision of a licensed psychologist who is not a relative of the trainee. This one (1) year of supervised professional experience must be acquired in an organized health service training program, however, an applicant may obtain, with prior approval by the committee, this experience in a setting other than an organized health service training program. If the applicant desires this special approval, he

shall have his supervisor submit a written detailed description of the proposed program of supervised professional experience. The psychological activities of the applicant must be performed pursuant to the supervisor's order, control, and full professional responsibility. Reports prepared by the applicant during the period of the supervised professional experience must be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and must meet with the applicant a minimum of one (1) hour per week in face to face individual supervision. Group supervision is not acceptable for supervised professional experience under this regulation. The supervisor must certify to the department that the applicant has complied with these requirements for supervised professional experience.

(4) Acceptable supervision occurs only when the supervisor and the applicant are both employed by or affiliated with the same professional setting.

(5) For purposes of this rule, the term "relative of the trainee" shall mean a spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, or uncle of the trainee, or one who has a present relationship to the trainee as step-parent or step-child.

(6) For purposes of this rule, the phrase "person, not a relative of the trainee, who would have been eligible for licensing at the time the supervision occurred" shall mean a person—

(A) Who was not a relative of the trainee as defined in section (5) of this rule at the time the supervision took place;

(B) Who, at the time supervision took place, could have satisfied the present educational requirements of section 337.020, RSMo; and

(C) Who, at the time the supervision took place, could have satisfied the experience requirements of section 337.020, RSMo and of this rule, except for the requirement of having himself had a licensable supervisor.

(7) The committee will review proposed supervised professional experience to determine if it would be acceptable under this rule if such a request is submitted at least sixty (60) days before it is scheduled to

begin. Proposals should outline with as much specificity as possible the nature of the psychological duties to be performed by the applicant and the nature of the supervision.

(8) Minimum satisfactory professional experience is thirty (30) hours per week.

Auth: sections 334.125, RSMo(Supp. 1982) and 337.045.5, RSMo(Supp. 1982). Original rule filed Aug. 11, 1983, effective Dec. 11, 1983.

#### **4 CSR 235-2.030 Master's Level Satisfactory Professional Experience**

*PURPOSE: The purpose of this rule is to define the two years of "satisfactory professional experience" required of master's level applicants in section 337.020.2(b), RSMo.*

(1) All applicants for licensure as a psychologist by examination on the basis of a master's degree (in addition to the one (1) year of satisfactory supervised professional experience in the general field of psychology as outlined in 4 CSR 235-2.020) must have had two (2) additional years of satisfactory supervised professional experience as defined in this rule. Each applicant must demonstrate compliance with this rule on the forms provided by the committee. Attestation forms may be obtained by writing the committee's executive secretary, P.O. Box 4, Jefferson City, MO 65102.

(2) The phrase "satisfactory professional experience" as used in section 337.020.2(b), RSMo means post-master's degree training or practice of psychology obtained in an organized health training program; however, an applicant may obtain, with prior approval by the committee, this experience in a setting other than an organized health service training program. If the applicant desires this special approval, he shall have his supervisor submit a written detailed description of the proposed program of supervised professional experience. The psychological activities of the applicant must be performed pursuant to the supervisor's order, control, and full professional responsibility. Professional reports prepared by the applicant

during the period of the professional experience must be cosigned by the supervisor. The supervisor shall maintain a continuing relationship with the applicant and must meet with the applicant a minimum of one (1) hour per week in face-to-face individual supervision. Group supervision is not acceptable under this regulation. The supervisor must certify to the department that the applicant has complied with these requirements for satisfactory professional experience.

(3) For purposes of this rule, the term "relative of the trainee" shall mean a spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, or uncle of the trainee, or one who has a present relationship to the trainee as step-parent or step-child.

(4) Acceptable supervision occurs only when the supervisor and the applicant are both employed by or affiliated with the same professional setting.

(5) The committee will review proposed satisfactory professional experience to determine if it would be acceptable under this rule if such a request is submitted at least sixty (60) days before it is scheduled to begin. The applicant shall have his supervisor provide to the committee a written proposal outlining with as much specificity as possible the nature of the psychological duties to be performed by the applicant and the nature of the supervision.

(6) For purposes of this rule, the phrase "person, not a relative of the trainee, who would have been eligible for licensing at the time the supervision occurred" shall mean a person—

(A) Who was not a relative of the trainee as defined in section (3) of this rule at the time the supervision took place;

(B) Who, at the time supervision took place, could have satisfied, the present educational requirements of section 337.030, RSMo; and

(C) Who, at the time the supervision took place, could have satisfied the experience requirements of section 337.020, RSMo and of this rule, except for the requirement of having himself had a licensable supervisor.

(7) Minimum satisfactory professional experience is thirty (30) hours per week.

### Chapter 3—Educational Requirements

#### 4 CSR 235-3.010 Educational Requirements (Rescinded Oct. 11, 1979)

#### 4 CSR 235-3.011 Graduate Degree Program Requirements

*PURPOSE: The purpose of this rule is to interpret the provision of section 337.020, RSMo (1978) that the graduate degree of an applicant for licensure as a psychologist must be based upon "a program of studies whose content was primarily psychological."*

(1) The phrase "a program of studies whose content was primarily psychological" as used in section 337.020, RSMo (1978) is interpreted to mean an integrated, organized sequence of study, the purpose of which is to educate and train people to be professional psychologists. An applicant for licensure as a psychologist, possessing either a doctorate or a master's degree, will be deemed to have met the educational requirements of chapter 337, RSMo (1978) if the degree program was designed to train the applicant to discharge the responsibilities of the practice of psychology as defined in section 337.015, RSMo (1978). The applicant's educational program shall include core course work in the basic areas of psychology, and course work and training in preparation for the professional practice of psychology, as defined in sections 337.015.3 and 337.015.4, RSMo (1978). Core course work in psychology shall include graduate course work in the following areas: the biological bases of behavior, such as sensation and perception; the cognitive-affective bases of behavior, such as learning, thinking, motivation and emotion; the social bases of behavior, such as the psychology of interpersonal relationships, group processes, and organizational and systems theory; individual differences, such as personality theory, human development, and abnormal psychology; and the scientific methods and procedures of understanding, predicting and influencing human behavior, such as statistics, experimental design and psychometrics.

An appropriate program of study also shall include graduate course work and supervised practical training in rendering services to individuals, groups and organizations in preparation for the professional practice of psychology as defined in sections 337.015.2 and 337.015.4, RSMo (1978). The applicant shall provide official transcripts and any other supporting evidence necessary to document the fact that these educational requirements have been met. The applicant has the burden of demonstrating that his academic course work and training constituted a program of study whose content was primarily psychological. A final determination of whether the program of study which formed the basis of the applicant's degree was "primarily psychological" is within the discretion of the department.

Auth: section 337.050.5, RSMo (1978). Original rule filed Jan. 14, 1981, effective June 11, 1981.

## Chapter 4—Licensure Without Examination

### 4 CSR 235-4.010 Requirement for Licensure Without Examination

*PURPOSE: The purpose of this rule is to comply with section 337.020 RSMo (Supp. 1977) which requires this department to license, as a psychologist any applicant who fulfills certain requirements without examination.*

(1) Any person who on or prior to March 28, 1978 files with the department evidence satisfactory to the department that for at least two years preceding his application he has been a resident of or principally employed in the state of Missouri and has been engaged in the active profession of subsections 1 and 2 of section 337.020 RSMo (Supp. 1977) by means of such evidence as is required by 4 CSR 150-5.010 and 5.020 shall be licensed and registered as a psychologist without an examination.

Auth: section 337.020 RSMo (Supp. 1977). Emergency rule filed Oct. 4, 1977, effective Oct. 14, 1977, expired Feb. 11, 1978. Original rule filed Oct. 4, 1977, effective Feb. 11, 1978.

#### **4 CSR 235-4.020 Reciprocal Licensing**

*PURPOSE: The purpose of this rule is to interpret and clarify the language of section 337.020.2(c) RSMo (Supp. 1977) which demonstrates the legislative desire to license without examination, as psychologists, those applicants licensed in another state.*

(1) In order to be licensed as a psychologist in the State of Missouri by reciprocity an applicant shall:

(A) pay to the department a non-refundable fee of one hundred twenty-five dollars; and

(B) be twenty-one years of age; and

(C) be of good moral character; and

(D) be licensed or certified as a psychologist by another state or territory of the United States or the District of Columbia that, in the opinion of the department, has licensing or certification requirements substantially equal to the requirements for licensure as a psychologist in the State of Missouri at the time the application for licensing is filed; and

(E) be licensed or certified as a psychologist in a state or territory of the United States or the District of Columbia that extends like privileges for reciprocal licensing or certification to persons licensed by this state with similar qualifications.

Auth: section 337.050 RSMo (Supp. 1977). Original rule filed Sept. 5, 1978, effective Dec. 11, 1978.

### **Chapter 5—Ethical Standards**

#### **4 CSR 235-5.010 Ethical Standards for Psychologists**

(Rescinded Dec. 11, 1983)

#### **4 CSR 235-5.020 Ethical Standards for Psychologists**

*PURPOSE: The purpose of this rule is to comply with section 337.035, RSMo which requires the*

*department to adopt and publish ethical standards for psychologists.*

(1) The department hereby adopts and publishes the following "Ethical Standards for Psychologists."

(2) **Responsibility:** In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and make every effort to ensure that their services are used appropriately.

(A) As scientists, psychologists accept responsibility for the selection of their research topics and the methods used in investigation, analysis, and reporting. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic, or other social groups. In publishing reports of their work, they never suppress disconfirming data, and they acknowledge the existence of alternative hypotheses and explanations of their findings. Psychologists take credit only for work they have actually done.

(B) Psychologists clarify in advance with all appropriate persons and agencies the expectations for sharing and utilizing research data. They avoid relationships that may limit their objectivity or create a conflict of interest. Interference with the milieu in which data are collected is kept to a minimum.

(C) Psychologists have the responsibility to attempt to prevent distortion, misuse, or suppression of psychological findings by the institution or agency of which they are employees.

(D) As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

(E) As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully, and accurately.

(F) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the

lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

(3) **Competence:** The maintenance of high standards of competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They only provide services and only use techniques for which they are qualified by training and experience. In those areas in which recognized standards do not yet exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

(A) Psychologists accurately represent their competence, education, training, and experience. They claim as evidence of educational qualifications only those degrees obtained from institutions acceptable under the bylaws and rules of council of the American Psychological Association.

(B) As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current, and scholarly.

(C) Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time.

(D) Psychologists recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. When necessary, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

(E) Psychologists responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems, and test research.

(F) Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their

personal problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities.

(4) **Moral and Legal Standards:** Psychologists' moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

(A) As teachers, psychologists are aware of the fact that their personal values may affect the selection and presentation of instructional materials. When dealing with topics that may give offense, they recognize and respect the diverse attitudes that students may have toward such materials.

(B) As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual preference, religion, or national origin in hiring, promotion, or training.

(C) In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

(D) As practitioners and researchers, psychologists act in accord with these standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. When federal, state, provincial, organizational, or institutional laws, regulations, or practices are in conflict with these standards and guidelines, psychologists make known their commitment to association standards and guidelines

and, where ever possible, work toward a resolution of the conflict. Both practitioners and researchers are concerned with the development of such legal and quasi-legal regulations as best serve the public interest, and they work toward changing existing regulations that are not beneficial to the public interest.

(5) **Public Statements:** Public statements, announcements of services, advertising, and promotional activities of psychologists serve the purpose of helping the public make informed judgements and choices. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

(A) When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type, and level of certification or licensure, diplomate status, APA membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of these ethical principles.

(B) In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner that falsely implies sponsorship or certification by that organization. In particular and for example, psychologists who are members of the American Psychological Association do not state such membership or fellow status in a way to suggest that such status implies specialized professional competence or qualifications. Public statements include, but are not limited to, communication by means of peri-

odical, book, list, directory, television, radio, or motion picture. They do not contain—

1. A false, fraudulent, misleading, deceptive, or unfair statement;

2. A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

3. A testimonial from a patient regarding the quality of a psychologist's services or products;

4. A statement intended or likely to create false or unjustified expectations of favorable results;

5. A statement implying unusual, unique, or one (1)-of-a-kind abilities;

6. A statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;

7. A statement concerning the comparative desirability of offered services; or

8. A statement of direct solicitation of individual clients.

(C) Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is pre-recorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(D) Announcements or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

(E) Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

(F) Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of

proprietary or single-source products or services when that participation is based solely upon their identification as psychologists.

(G) Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgements, opinions, and choices.

(H) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluation progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

(I) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(J) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

(K) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgement.

(L) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship.

(6) Confidentiality: Psychologists have a primary obligation to respect the confidentiality of information obtained from persons in the course of their work as psychologists. They reveal such information to others only with the consent of the person or the person's legal representative, except in those unusual circumstances in which not to do so would result in clear danger to the person or to others. Where appropriate, psychologists inform their clients of the legal limits of confidentiality.

(A) Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others is discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports present only data germane to the purposes of the evaluation, and every effort is made to avoid undue invasion of privacy.

(B) Psychologists who present personal information obtained during the course of professional work in writings, lectures, or other public forums either obtain adequate prior consent to do so or adequately disguise all identifying information.

(C) Psychologists make provisions for maintaining confidentiality in the storage and disposal of records.

(D) When working with minors or other persons who are unable to give voluntary, informed consent, psychologists take special care to protect these persons' best interests.

(7) Welfare of the Consumer: Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When conflicts of interest arise between clients and psychologists' employing institutions, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational, or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

(A) Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every

effort to avoid dual relationships that could impair their professional judgement or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students supervisees, close friends, or relatives. Sexual intimacies with clients are unethical.

(B) When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

(C) Where the demands of an organization require psychologists to violate these ethical principles, psychologists clarify the nature of the conflict between the demands and these principles. They inform all parties of psychologists' ethical responsibilities and take appropriate action.

(D) Psychologists make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients. They neither give nor receive any remuneration for referring clients for professional services. They contribute a portion of their services to work for which they receive little or no financial return.

(E) Psychologists terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. They offer to help the consumer locate alternative sources of assistance.

(8) Professional Relationships: Psychologists act with due regard for the needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

(A) Psychologists understand the areas of competence of related professions. They make full use of all the professional, technical, and administrative resources that serve the best interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists of the responsibility of securing for their clients the best possible professional service, nor does it relieve them of the obligation to exercise foresight, diligence, and tact in obtaining the complementary or alternative assistance needed by clients.

(B) Psychologists know and take into account the traditions and practices of other professional groups with whom they work and cooperate fully with such groups. If a person is receiving similar services from another professional, psychologists do not offer their own services directly to such a person. If a psychologist is contacted by a person who is already receiving similar services from another professional, the psychologist carefully considers that professional relationship and proceeds with caution and sensitivity to the therapeutic issues as well as the client's welfare. The psychologist discusses these issues as well as the client's welfare. The psychologist discusses these issues with the client so as to minimize the risk of confusion and conflict.

(C) Psychologists who employ or supervise other professionals in training accept the obligation to facilitate the further professional development of these individuals. They provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

(D) Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

(E) In conducting research in institutions or organizations, psychologists secure appropriate authorization to conduct such research. They are aware of their obligations to future research workers and ensure that host institutions receive adequate information about the research and proper acknowledgment of their contributions.

(F) Publication credit is assigned to those who have contributed to a publication in proportion to their professional contributions. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the individual who made the principal contribution listed first. Minor contributions of a professional character and extensive clerical or similar nonprofessional assistance may be acknowledged in footnotes or in an introductory statement. Acknowledgment

through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. Psychologists who compile and edit material of others for publications publish the material in the name of the originating group, if appropriate, with their own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

(G) When psychologists know of an ethical violation by another psychologist, and it seems appropriate, they informally attempt to resolve the issue by bringing the behavior to the attention of the psychologist. If the misconduct is of a minor nature and/or appears to be due to lack of sensitivity, knowledge, or experience, such an informal solution is usually appropriate. Such informal corrective efforts are made with sensitivity to any rights to confidentiality involved. If the violation does not seem amendable to an informal solution, or is of a more serious nature, psychologists bring it to the attention of the appropriate local, state, and/or national committee on professional ethics and conduct.

(9) **Assessment Techniques:** In the development, publication, and utilization of psychological assessment techniques, psychologists make every effort to promote the welfare and best interests of the client. They guard against the misuse of assessment results. They respect the client's right to know the results, the interpretations made, and the bases for their conclusions and recommendations. Psychologists make every effort to maintain the security of tests and other assessment techniques within limits of legal mandates. They strive to ensure the appropriate use of assessment techniques by others.

(A) In using assessment techniques, psychologists respect the right of clients to have full explanation of the nature and purpose of the techniques in language the clients can understand, unless an explicit exception to this right has been agreed upon in advance. When the explanations are to be provided by others, psychologists establish procedures for ensuring the adequacy of these explanations.

(B) Psychologists responsible for the development and standardization of psychological tests and other assessment techniques utilize established scientific procedures and observe relevant standards such as those developed by the APA.

(C) In reporting assessment results, psychologists indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessment or the inappropriateness of the norms for the person tested. Psychologists strive to ensure that the results of assessments and their interpretations are not misused by others.

(D) Psychologists recognize that assessment results may become obsolete. They make every effort to avoid and prevent the misuses of obsolete measures.

(E) Psychologists offering scoring and interpretation services are able to produce appropriate evidence for the validity of the programs and procedures used in arriving at interpretations. The public offering an automated interpretation service is considered a professional-to-professional consultation. Psychologists make every effort to avoid misuse of assessment reports.

(F) Psychologists do not encourage or promote the use of psychological assessment techniques by inappropriately trained or otherwise unqualified persons through teaching, sponsorship, or supervision.

(10) **Research with Human Participants:** The decision to undertake research rests upon a considered judgment by the individual psychologist about how best to contribute to psychological science and human welfare. Having made the decision to conduct research, the psychologist considers alternative directions in which research energies and resources might be invested. On the basis of this consideration, the psychologist carries out the investigation with respect and concern for the dignity and welfare of the people who participate and with cognizance of federal and state regulations and professional standards governing the conduct of research with human participants.

(A) In planning a study, the investigator has the responsibility to make a careful evaluation of its ethical acceptability. To the extent that the weighing of scientific and human values suggests a compromise of any principle, the investigator incurs a correspondingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of human participants.

(B) Considering whether a participant in a planned study will be a "subject at risk" or a "subject at minimal

risk," according to recognized standards, is of primary ethical concern to the investigator.

(C) The investigator always retains the responsibility for ensuring ethical practice in research. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur similar obligations.

(D) Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement. The investigator informs the participants of all aspects of the research that might reasonably be expected to influence willingness to participate and explains all other aspects of the research about which the participants inquire. Failure to make full disclosure prior to obtaining informed consent requires additional safeguards to protect the welfare and dignity of the research participants. Research with children or with participants who have impairments that would limit understanding and/or communication requires special safeguarding procedures.

(E) Methodological requirements of a study may make the use of concealment or deception necessary. Before conducting such a study, the investigator has a special responsibility to—

1. Determine whether the use of such techniques is justified by the study's prospective scientific, educational, or applied value;

2. Determine whether alternative procedures are available that do not use concealment or deception; and

3. Ensure that the participants are provided with sufficient explanation as soon as possible.

(F) The investigator respects the individual's freedom to decline to participate in or to withdraw from the research at any time. The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant. Such positions of authority include, but are not limited to, situations in which research participation is required as a part of employment or in which the participant is a student, client, or employee of the investigator.

(G) The investigator protects the participant from physical and mental discomfort, harm, and danger that may arise from research procedures. If risks of such consequences exist, the investigator informs the participant of that fact. Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use these procedures might expose the participant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from each participant. The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm, or related questions or concerns arise.

(H) After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove any misconceptions that may have arisen. Where scientific or humane values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

(I) Where research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

(J) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent.

(11) Care and Use of Animals: An investigator of animal behavior strives to advance understanding of basic behavioral principles and/or to contribute to the improvement of human health and welfare. In seeking these ends, the investigator ensures the welfare of animals and treats them humanely. Laws and regulations notwithstanding, an animal's immediate protection depends upon the scientist's own conscience.

(A) The acquisition, care, use, and disposal of all animals are in compliance with current federal, state or provincial, and local laws and regulations.

(B) A psychologist trained in research methods and experienced in the care of laboratory animals closely supervises all procedures involving animals and is responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(C) Psychologists ensure that all individuals using animals under their supervision have received explicit instruction in experimental methods and in the care, maintenance, and handling of the species being used. Responsibilities and activities of individuals participating in a research project are consistent with their respective competencies.

(D) Psychologists make every effort to minimize discomfort, illness, and pain of animals. A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value. Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(E) When it is appropriate that the animal's life be terminated, it is done rapidly and painlessly.

Auth: Section 337.035, RSMo (1978). Original rule filed Aug. 12, 1983, effective Dec. 11, 1983.

## Chapter 6—Temporary Licensure

### 4 CSR 235-6.010 Temporary Licensure

*Emergency rule filed April 12, 1979, effective April 23, 1979, expired July 22, 1979.*

*Op. Atty. Gen. No. 118, Butler 6-8-79. The department of consumer affairs, regulation and licensing is not authorized to promulgate a rule allowing the department, upon the advice of the state committee of psychologists, to grant an applicant for licensure a temporary license to practice psychology in Missouri. Such a rule would impermissibly enlarge upon the terms of the statute.*

*New York*  
*- please see*  
*pages 3 & 7*

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A summary of the statute,  
rules and regulations

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THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department  
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## FOREWORD

Enclosed in this booklet are the following:

- (1) Article 153 of the Education Law, the specific provisions pertaining to psychology.
  - (2) Civil Practice Law & Rules pertaining to confidentiality.
  - (3) Rules of the State Board for Psychology pertaining to supervised employment.
  - (4) Section 52.10 of the Regulations of the Commissioner of Education, requirements of a doctoral degree program.
  - (5) Special conditions pertaining to review of experience for grandfather applicants and the requirements of prerequisite examination for foreign-educated applicants.
  - (6) Regulations pertaining to Definition of Professional Practice of Psychology.
  - (7) New York State Insurance Law pertaining to Freedom of Choice Legislation.
  - (8) The Rules of the New York State Board of Regents relating to Definitions of Unprofessional Conduct.
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If you desire information on doctoral psychology programs in New York State which are registered for professional licensing purposes, please write to the following address:

Executive Secretary  
State Board for Psychology  
Cultural Education Center #3025  
Albany, N.Y. 12230

(For an explanation of the implementation of the law, rules and regulations pertaining to psychology, please refer to Information for Applicants for Licensing as a Psychologist in New York State, also included in your licensure packet.)

ARTICLE 153

PSYCHOLOGY

Section	7600. Introduction.
	7601. Use of title "psychologist".
	7602. State board for psychology.
	7603. Requirements for a professional license.
	7604. Limited permits.
	7605. Exempt persons.

§7600. **Introduction.** This article applies to the use of the title "psychologist". The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§7601. **Use of title "psychologist".** Only a person licensed under this article shall be authorized to use the title "psychologist" or to describe his services by use of the words "psychologist", "psychology" or "psychological" in connection with his practice.

§7602. **State board for psychology.** A state board for psychology shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than eleven psychologists licensed in this state. An executive secretary to the board shall be appointed by the board of regents upon the recommendation of the commissioner and shall be a psychologist, licensed in this state.

§7603. **Requirements for a professional license.** To qualify for a license as a psychologist, an applicant shall fulfill the following requirements:

(1) **Application:** file an application with the department;

(2) **Education:** have received an education, including a doctoral degree in psychology, granted on the basis of completion of a program of psychology registered with the department or the substantial equivalent thereof, in accordance with the commissioner's regulations;

(3) **Experience:** have two years of supervised employment or engagement in appropriate psychology activities satisfactory to the board and in accordance with the commissioner's regulations;

- (4) Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
- (5) Age: Be at least twenty-one years of age;
- (6) Citizenship: meet no requirement as to United States citizenship;
- (7) Character: be of good moral character as determined by the department; and
- (8) Fees: pay a fee of one-hundred dollars to the department for admission to a department conducted examination and for an initial license, a fee of fifty dollars for each reexamination, a fee of sixty-five dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of sixty dollars for each biennial registration period through April thirtieth, nineteen hundred eighty-five, and a fee of ninety dollars for each triennial registration period commencing on and after May first, nineteen hundred eighty-five.

§7604. Limited permits. On recommendation of the board, the department may issue a limited permit to practice as psychologist to an applicant holding a certificate or license to practice psychology issued by another state or country, and whose qualifications have been approved for admission to the examination for a license as psychologist and who has resided in this state for a period of not more than six months prior to the filing of such application. The limited permit shall be valid for a period of not more than eighteen months, or until the results of a licensing examination have been received from the department, whichever comes first.

2. Fees: The fee for each limited permit shall be forty dollars.

§7605. Exempt persons. Nothing in this article shall be construed to affect or prevent: 1. The activities, services, and use of the title of psychologist, or any derivation thereof, on the part of a person in the employ of a federal, state, county or municipal agency, or other political subdivision, or a chartered elementary or secondary school or degree-granting educational institution insofar as such activities and services are a part of the duties of his salaried position.

2. The activities and services required of a student, intern, or resident in psychology, pursuing a course of study leading to a doctoral degree in psychology in an institution approved by the department, provided that such activities and services constitute a part of his supervised course of study in psychology. Such persons shall be designated by title as "psychological intern", "psychological trainee" or other such title which clearly indicates his training status.

3. The activities and services on the part of a person who has fulfilled requirements of paragraphs (2), (5), (6) and (7) of section seventy-six hundred three of this article, and is fulfilling requirements of paragraph (3) of such section, provided that the period of the experience of such person in carrying on such activities and services does not exceed an aggregate of thirty-six months subsequent to the attainment of the doctoral degree and provided that the title used by such person is "assistant psychologist".

4. The representation of a psychologist and the rendering of services as such in this state for a temporary period of a person who resides outside the state of New York and who engages in practice as a psychologist and conducts the major part of his practice as such outside this state, provided such person has filed with the department evidence that he has been licensed or certified in another state or has been admitted to the examination in this state pursuant to section seventy-six hundred three of this article. Such temporary period shall not exceed ten consecutive business days in any period of ninety consecutive days or in the aggregate exceed more than fifteen business days in any such ninety-day period.

## CIVIL PRACTICE LAW AND RULES

### §4507. Psychologist.

The confidential relations and communications between a psychologist registered under the provisions of article one hundred fifty-three of the education law<sup>1</sup> and his client are placed on the same basis as those provided by law between attorney and client, and nothing in such article shall be construed to require any such privileged communications to be disclosed.

<sup>1</sup>Education Law §7601 et seq.

**Section 260.1 Supervised experience.** (a) "Supervised experience", as used in <sup>2</sup>section 7605 (subdivision 1, paragraph e) of the Education Law, means work in an organizational setting under at least weekly observation by qualified psychologists. Such psychologists must be regular staff members of or consultants to the organization in which the applicant is obtaining his psychological experience.

(b) "Satisfactory", as used in the aforesaid section, subdivision and paragraph, means satisfactory in quality, scope and nature to the<sup>3</sup> Board of Examiners of Psychologists.

(c) "Two years of satisfactory supervised experience", as used in the aforesaid section, means two years of full-time experience acquired over continuous periods of not less than six months' duration except in the case of a psychology internship which is part of a registered graduate program in psychology or its substantial equivalent in both subject matter and extent, of training. In the latter case only, two years means two years of fulltime experience will be considered satisfactory only if it is acquired at the rate of at least 16 hours per week spread over at least two days and over continuous periods of at least six months' duration.

(d) "Rendering psychological services", as required by the aforesaid section, subdivision and paragraph, means performing duties designed explicitly as preparation for the independent practice of psychology as defined in <sup>4</sup>section 172.2, supra.

<sup>2</sup>Should read section 7603 (subdivision 3)

<sup>3</sup>Should read State Board for Psychology

<sup>4</sup>Should read section 72.2

REGULATIONS OF THE COMMISSIONER OF EDUCATION  
PERTAINING TO PSYCHOLOGY

**§52.10 Psychology.** A doctoral degree program shall require at least three years of full-time study or their equivalent including:

(a) Seminars, tutorials, or other graduate level course work representing two years of full-time study or the equivalent.

(b) At least 42 semester hours designed as preparation for the professional practice of psychology with a minimum of 24 of those hours selected from any five of the basic areas: experimental psychology, developmental psychology, individual differences, psychological tests and measurements, social psychology, statistical methods, history and systems of psychology, design of research, personality theory, learning theory, physiological psychology, abnormal psychology, comparative psychology, motivation, and perception. The remaining 18 semester hours in psychology may be in the foregoing basic areas, in the following methods and procedures, or in a combination thereof: methods or procedures of interviewing, counseling, or psychotherapy; constructing, administering, or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, or motivation; assessing public opinion. No more than nine of these 42 semester hours shall be in any one of the aforementioned basic areas, methods, or procedures of psychology.

(c) The total curriculum shall contain preparation for initiating, conducting, and evaluating research in psychology which can be supported by written evidence.

**Section 72.1 Special conditions.** (a) "Review of experience". Any person denied a certificate as psychologist by the Board of Examiners of Psychologists on the grounds of unsatisfactory experience may appeal to the commissioner within 30 days after receipt of official notice of the board's determination. The appeal to the commissioner should be made on the form which will accompany the official notice to the applicant. Review of an applicant's case will be limited to the material evaluated by the board and shall not include a personal appearance unless requested by the commissioner.

(b) "Prerequisite examination in psychology". In instances where doctoral programs in psychology are considered to be generally consistent with section <sup>5</sup>52.23 of the regulations of the Commissioner of Education but cannot be appraised in terms of substantial equivalency of subject matter and extent of training as provided under Education Law, section 7605, subdivision d, paragraph 1, by either documentation or visitation satisfactory to the Department, such substantial equivalency may be established by the passing of a prerequisite examination in psychology satisfactory to the Board of Examiners of Psychologists and the Department prior to being admitted to the examination for certificate as psychologist.

<sup>5</sup>Should read section 52.10

**REGULATIONS PERTAINING TO THE DEFINITION OF PROFESSIONAL PRACTICE OF PSYCHOLOGY AS CONTAINED IN SECTION 72.2 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION:**

**72.2 Definitions.** (a) A person "practices psychology" within the meaning of this section when he renders to individuals, organizations, or the public, any service involving the application of principles, methods or procedures of understanding, predicting or influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, or interpersonal relationships; or the methods or procedures of interviewing, counseling or psychotherapy; or of constructing, administering, or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions or motivation; or of assessing public opinion. The application of said principles and methods includes, but is not restricted to: the psychological evaluation, prevention, and amelioration of personality disorders and adjustment problems of individuals and groups; educational and vocational planning; personnel selection and management; the arrangement of effective work and learning situations; advertising and market research; the resolution of interpersonal and social conflicts; lecturing on or teaching of psychology; and the design and conduct of applied psychological research.

(b) "Psychotherapy" within the meaning of this section means the use of verbal methods in interpersonal relationships with the intent of assisting a person or persons to modify attitudes and behavior which are intellectually, socially, or emotionally maladaptive.

**New York State Insurance Law**  
**Freedom of Choice Insurance Legislation**

Notwithstanding any provision of a policy or contract of groups accident, group health or group accident and health insurance, whenever such policy or contract provides for reimbursement to a physician or a psychiatrist for psychiatric or psychological services or for the diagnosis and treatment of mental, nervous, or emotional disorders or ailments, however defined in such policy or contract, a subscriber to such group accident, group health or group accident and health insurance policy or contract shall be entitled to reimbursement for such psychiatric or psychological services or diagnosis or treatment whether performed by a physician, psychiatrist or a duly certified and registered psychologist when the services rendered are within the lawful scope of their practice and when such policy or contract or any certificate issued thereunder is covered or issued for delivery throughout this state by an authorized insurer, covered persons residing in this state shall be entitled to reimbursement for such diagnosis and treatment by a physician, psychiatrist or a certified and registered psychologist as herein above provided.

Part 29

**UNPROFESSIONAL CONDUCT**

(Statutory authority: Education Law § 6506)

Sec.

- 29.1 General provisions for all professions
- 29.2 General provisions for health professions
- 29.3 General provisions for design professions
- 29.4 Special provisions for the profession of medicine
- 29.5 Special provisions for the professions of dentistry and dental hygiene
- 29.6 Special provisions for the profession of veterinary medicine
- 29.7 Special provisions for the profession of pharmacy
- 29.8 Special provisions for the profession of optometry
- 29.9 Special provisions for the profession of ophthalmic dispensing
- 29.10 Special provisions for the profession of public accountancy
- 29.11 Special provisions for the profession of certified shorthand reporting
- 29.12 Special provisions for the profession of psychology
- 29.13 Special provisions for the profession of massage

**Section 29.1 General provisions for all professions.** (a) Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.

(b) Unprofessional conduct in the practice of any profession licensed or certified pursuant to title VIII of the Education Law shall include:

(1) willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;

(2) exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;

- (3) directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;
- (4) permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law;
- (5) conduct in the practice of a profession which evidences moral unfitness to practice the profession;
- (6) willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;
- (7) failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;
- (8) revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;
- (9) practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
- (10) delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them;
- (11) performing professional services which have not been duly authorized by the patient or client or his or her legal representative;
- (12) advertising or soliciting for patronage that is not in the public interest:
  - (i) Advertising or soliciting not in the public interest shall include but not be limited to advertising or soliciting that:
    - (a) is false, fraudulent, deceptive, misleading, sensational or flamboyant;

- (b) represents intimidation or undue pressure;
- (c) uses testimonials;
- (d) guarantees any service;
- (e) makes any claim relating to professional services or products or the cost or price therefor which cannot be substantiated by the licensee, who shall have the burden of proof;
- (f) makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or
- (g) offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product;

(ii) The following shall be deemed appropriate means of informing the public of the availability of professional services:

- (a) informational advertising not contrary to the foregoing prohibitions; and
- (b) the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that there is an additional charge for related services which are an integral part of the overall service being provided by the licensee and the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect;

(iii) (a) all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department or in the case of physicians, physician's and specialist's assistants, the Department of Health;

(b) a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;

(iv) No demonstrations, dramatizations or other portrayals of professional practice shall be permitted in advertising on radio or television;

(13) failing to respond within 30 days to written communications from the Education Department or the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was

delivered personally to the licensee. If the communication is sent from either department by registered or certified mail, with return receipt requested, to the address appearing in the last registration the period of 30 days shall commence on the date of delivery to the licensee, as indicated by the return receipt.

(14) violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law section 6511.

**29.2 General provisions for health professions.** (a) Unprofessional conduct shall also include, in the professions of:

medicine	ophthalmic dispensing
acupuncture	psychology
physical therapy	social work
physician's assistant	massage
specialist's assistant	occupational therapy
chiropractic	speech pathology
dentistry	audiology
dental hygiene	nursing
pharmacy	(registered professional nurse,
podiatry	licensed practical nurse):
optometry	

(1) abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients;

(2) willfully harassing, abusing or intimidating a patient either physically or verbally;

(3) failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years;

(4) using the word "Doctor" in offering to perform professional services without also indicating the profession in which the licensee holds a doctorate;

(5) failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;

(6) upon a patient's written request, failing to make available to a patient, or to another licensed health practitioner consistent with that practitioner's authorized scope of practice, copies of the record required by paragraph (3) of this subdivision and copies of reports, test records, evaluations or X-rays relating to the patient which are in possession or under the control of the licensee, or failing to complete forms or

reports required for the reimbursement of a patient by a third party. Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate may not be required as a condition for making such records available. A practitioner may, however, withhold information from a patient if, in the reasonable exercise of his or her professional judgment, he or she believes release of such information would adversely affect the patient's health, and this section shall not require release, to the parent or guardian of a minor, of records or information relating to venereal disease or abortion except with the minor's consent. This provision shall apply in lieu of section 29.1(b)(7) of this Part;

(7) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(3) ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient;

(9) claiming or using any secret or special method of treatment which the licensee refuses to divulge to the State Board for the profession;

(10) failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and professional title authorized pursuant to the Education Law, while practicing as an employee or operator of a hospital, clinic, group practice or multiprofessional facility, or at a commercial establishment offering health services to the public;

(11) entering into an arrangement or agreement with a pharmacy for the compounding and/or dispensing of coded or specially marked prescriptions;

(12) with respect to all professional practices conducted under an assumed name, other than facilities licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law, failing to post conspicuously at the site of such practice the names and licensure field of all of the principal professional licensees engaged in practice at that site (i.e., principal partners, officers or principal shareholders).

**29.12 Special provisions for the profession of psychology.** (a) Unprofessional conduct in the practice of psychology shall include conduct prohibited by sections 29.1 and 29.2 of this Part, except as provided in this section, and shall also include the following:

(1) in the conduct of psychological research, failing to undertake reasonable efforts to remove the possible harmful aftereffects of emotional stress as soon as the design of the research permits, or failing to inform prospective research subjects or their authorized representatives fully of the danger of serious aftereffects, if such danger exists, before they are utilized as research subjects;

(2) in the interpretation of the provisions of section 29.1(b)(5) of this Part and in the treatment of sexual dysfunction, as well as in other areas of the practice of psychology:

(i) immoral conduct shall include any physical contact of a sexual nature between psychologist and client; but immoral conduct shall not include the use of

films and/or other audiovisual aids with individuals or groups in the development of appropriate responses to overcome sexual dysfunction;

(ii) in therapy groups, immoral conduct shall include activities which promote or allow explicit physical sexual contact between group members during sessions;

(3) the provisions of section 29.2(a)(5) of this Part shall apply to psychologists, who may also list in directories and on professional stationery areas of specialization and subspecialties recognized by the Board of Regents.

PROFESSIONALLY REGISTERED DOCTORAL PSYCHOLOGY  
PROGRAMS IN NEW YORK STATE

The following list is of those university psychology programs which are registered by the New York State Education Department as meeting educational requirements for admission to the licensing examination in psychology. Dates of initial professional registration and degree awarded are indicated. Graduates on or after the date of initial professional registration meet educational requirements for admission to the licensing examination in psychology and need not submit an abstract of the doctoral dissertation, catalog descriptions or course syllabi of all other required forms and materials for a completed application for licensure as a psychologist in New York State. ALL GRADUATES of programs other than those listed below must submit all application materials including an abstract of the doctoral dissertation, catalog descriptions and/or course syllabi of all graduate courses in psychology and any additional documentation as the Department may request to evaluate the applicant's credentials.

<u>Date of Registration</u>	<u>University</u>	<u>Specialties Within Psychology</u>	<u>Degree Granted</u>
1962	Adelphi University	Clinical	Ph.D.
1980	City University (CUNY)	Experimental	Ph.D.
		Developmental	Ph.D.
		Environmental	Ph.D.
		Social and Personality	Ph.D.
		Experimental Cognition	Ph.D.
		Clinical	Ph.D.
		Biopsychology	Ph.D.
		Experimental Psychology:	
		Cognition,	Ph.D.
		Learning & Perception	Ph.D.
		Neuropsychology	Ph.D.
		Learning Processes	Ph.D.
		Educational	Ph.D.
1980	Teachers College of Columbia University	Clinical	Ph.D.
1981		Counseling	Ph.D.
1976	Fordham University	Counseling	Ed.D.
		Educational	Ph.D.
		Urban School	Ph.D.
1970		General Theoretical (TBT)	Ph.D.
		Experimental	Ph.D.
		Clinical	Ph.D.
		Psychometrics	Ph.D.
1976		Hofstra University	Applied Research & Evaluation in Psych.
1981	School/Clinical		Ph.D.
1984	Long Island University	School & Community	Ph.D.
		Clinical	Ph.D.
1974		New School for Social Research	Clinical
	Experimental		Ph.D.
	Personality-Social		Ph.D.

<u>Date of Registration</u>	<u>University</u>	<u>Specialties Within Psychology</u>	<u>Degree Granted</u>
1972	New York University	Experimental Clinical Social-Personality Personnel Community	Ph.D. Ph.D. Ph.D. Ph.D. Ph.D.
1973		Counseling Special Education Psychological Founda- tions of Reading General Educational Psychoeducational Research, Measurement and Evaluation School	Ph.D. Ph.D. Ph.D. Ph.D. Ph.D. Ph.D. Ph.D.
1968		Child/School	Ph.D.
1979	Pace University	School/Community	Psy.D.
1967	University of Rochester	Experimental Developmental Social-Personality Clinical	Ph.D. Ph.D. Ph.D. Ph.D.
1976	St. John's University	Clinical	Ph.D.
1976	SUNY at Albany	Professional Child (TBT) Clinical General Experimental Social Counseling	Ph.D. Ph.D. Ph.D. Ph.D. Ph.D.
1981		Experimental	Ph.D.
1976	SUNY at Binghamton	Psychobiology Clinical General Experimental Clinical Social Counseling	Ph.D. Ph.D. Ph.D. Ph.D. Ph.D. Ph.D.
1962	SUNY at Buffalo	Clinical General Experimental Clinical Social Counseling	Ph.D. Ph.D. Ph.D. Ph.D. Ph.D.
1982		Counseling	Ph.D.
1976	SUNY at Stony Brook	Clinical General Experimental Physiological Social Developmental School	Ph.D. Ph.D. Ph.D. Ph.D. Ph.D. Ph.D.
1966	Yeshiva University	Experimental Clinical Social Developmental School	Ph.D. Ph.D. Ph.D. Ph.D. Ph.D.
1980		Developmental School Clinical	Ph.D. Psy.D. Psy.D.

TBT = To be terminated. No new admissions to this program.



GEORGE DEUKMEJAN

*Governor*

Marie Shibuya-Snell  
Director

STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS

# Laws, Rules and Regulations Relating to the Practice of Psychology



*Partial copy.*

*Issued by the*

BOARD OF MEDICAL QUALITY ASSURANCE  
PSYCHOLOGY EXAMINING COMMITTEE

1984

Includes Amendments Through January 1984

1430 Howe Avenue

Sacramento, California 95825

(d) Such persons do not offer their services to the public for a fee, monetary or otherwise.

(e) Such persons do not provide direct health or mental health services. (Amended by Stats. 1979, Ch. 996.)

*Student Practice—Exemption*

2911. Nothing in this chapter shall be construed as restricting the activities and services of a graduate student or psychological intern in psychology pursuing a course of study leading to a graduate degree in psychology at an accredited or approved college or university and working in a training program, provided that these activities and services constitute a part of his supervised course of study and that such persons are designated by such title as "psychological intern," "psychological trainee" or other such title clearly indicating the training status appropriate to his level of training. The term "psychological intern," however, shall be reserved for persons enrolled in the doctoral program in psychology or social psychology at an accredited or approved college or university.

*Out-of-State Psychologist—Exemption*

2912. Nothing in this chapter shall be construed to restrict or prevent a person who is licensed or certified as a psychologist in another state or territory of the United States or in a foreign country from offering psychological services in this state for a period not to exceed 30 days in any calendar year.

(Amended by Stats. 1978, Ch. 1161.)

*Psychological Assistants*

2913. A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

(a) The person is termed a "psychological assistant."

(b) The person (1) has completed a master's degree in psychology or education with the field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (3) has completed a doctoral degree which qualifies for licensure under Section 2914, in an accredited or approved university, college, or professional school located in the United States or Canada.

(c) The person is at all times under the immediate supervision, as defined in regulations adopted by the committee, of a licensed psycholo-

gist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with the provisions of this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

(d) The licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has registered the psychological assistant with the committee. The registration shall be renewed annually in accordance with regulations adopted by the committee.

No licensed psychologist may register, employ, or supervise more than three psychological assistants at any given time unless specifically authorized to do so by the committee. No board certified psychiatrist may register, employ, or supervise more than one psychological assistant at any given time. No contract clinic, psychological corporation, or medical corporation may employ more than 10 such assistants at any one time. No contract clinic may register, employ, or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises the psychological assistants. No psychological assistant may provide psychological services to the public for a fee, monetary or otherwise, except as an employee of a licensed psychologist, licensed physician contract clinic, psychological corporation, or medical corporation.

(e) The psychological assistant shall comply with regulations that the committee may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.

(f) No person shall practice as a psychological assistant who is found by the committee to be in violation of the provisions of Section 2960 and the rules and regulations duly adopted thereunder.

(Amended by Stats. 1983, Ch. 207.)

*Licensure Requirements*

2914. Each applicant for licensure shall comply with all of the following requirements:

(a) Is not subject to denial of licensure under Division 1.5.

(b) Possess an earned doctorate degree (1) in psychology, (2) in education psychology, (3) in education with the field of specialization in counseling psychology or educational psychology, or (4) possess an earned doctorate degree deemed equivalent by the committee in regulations duly adopted under this chapter. Such degree or training shall be obtained from an accredited or approved university, college, professional school, or any other educational institution approved by the committee as offering a comparable program in regulations duly adopted under this chapter.

No educational institution shall be denied recognition as an accredited or approved academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this act or in the administration of this act shall require the registration with the committee by educational institutions of their departments of psy-

chology or their doctoral programs in psychology.

(c) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the committee in its regulations, or such suitable alternative supervision as determined by the committee in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology.

(d) Take and pass the examination required by Section 2941 unless otherwise exempted by the committee under the provisions of this chapter.

(Amended by Stats. 1978, Ch. 1208.)

#### *Severability Provision*

2916. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any of the provisions or applications of this chapter which can be given effect without such invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

#### *Confidentiality*

2918. The confidential relations and communications between psychologist and client shall be privileged as provided by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code.

## Article 2. Administration

<i>Section</i>	
2920	Psychology Examining Committee [ <i>Amended</i> ]
2921	Terms
2922	Appointment [ <i>Amended</i> ]
2923	Qualifications
2924	Removal
2925	Officers
2926	Meetings
2927.5	Notices
2928	Administration and Enforcement
2929	Seal
2930	Rules and Regulations
2931	Committee Functions
2932	Quorum
2933	Personnel
2934	Directory of Licensed Psychologists [ <i>New</i> ]
2935	Compensation
2936	Rules of Ethical Conduct; Posting of Notice

#### *Psychology Examining Committee*

2920. The Psychology Examining Committee of the Board of Medical Quality Assurance of the Department of Consumer Affairs shall administer the provisions of this chapter. The committee shall consist of eight members, three of whom shall be public members.

(Amended by Stats. 1982, Ch. 676.)

#### *Terms*

2921. Each member of the committee shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

#### *Appointment*

2922. In appointing the members of the committee, except the public members, the Governor shall use his judgment to select psychologists who represent, as widely as possible, the varied professional interests of psychologists in California.

The Governor shall appoint one of the public members and the five licensed members of the board qualified as provided in Section 2923. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

(Amended by Stats. 1982, Ch. 676.)

#### *Qualifications*

2923. Each member of the committee shall have all of the following qualifications:

(a) He shall be a resident of this state.

(b) Each member appointed, except the public members shall be a licensed psychologist.

The public members shall not be licentiates of the committee or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

#### *Removal*

2924. The Governor has power to remove from office any member of the committee for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct.

#### *Officers*

2925. The committee shall elect annually a chairperson and vice chairperson from among its members.

(Amended by Stats. 1978, Ch. 1208.)

#### *Meetings*

2926. The committee shall hold at least one regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the committee.

#### *Executive Sessions*

2927. (Repealed by Stats. 1978, Ch. 1161.)

**1384.6. Revised Criteria for Evaluation of Education.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

**HISTORY:**

1. Amendment of subsection (c) filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39). For prior history, see Registers 77, No. 8, 77, No. 31, 77, No. 43 and 77, No. 48.
2. Amendment filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
3. Repealer and new subsection (c) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
4. Renumbering of Section 1384.6 to Section 1386 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1384.7. Original Research Dissertation Requirement Defined.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

**HISTORY:**

1. New section filed 2-15-78 as an emergency; effective upon filing (Register 78, No. 7).
2. Certificate of Compliance transmitted to OAH 6-9-78 and filed 6-15-78 (Register 78, No. 24).
3. Amendment filed 6-22-78; effective thirtieth day thereafter (Register 78, No. 24).
4. Repealer filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39).

**1385. Foreign Graduates.**

Applicants for licensure whose applications are based on graduation from foreign universities, colleges or professional schools shall provide the committee with such documents and evidence demonstrating that their formal education meets the requirements of Section 2914 of the code.

The applicant shall provide the committee with the following:

- (a) An original diploma or other certificate of graduation, which will be returned, and a photostatic copy of such document, which will be retained.
- (b) A transcript or comparable document of all coursework completed.
- (c) A certified translation of all documents submitted in a language other than English.
- (d) Satisfactory evidence of supervised professional experience comparable to that designated in Section 1387.
- (e) Evidence that the doctoral dissertation was primarily psychological in nature. In its discretion, the committee may require an applicant to file a copy of the dissertation.
- (f) A statement prepared by the applicant based on the above documents, indicating the chronological sequence of studies and research. The format of this statement shall be as comparable as possible to a transcript issued by American universities.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2914 and 2940, Business and Professions Code.

**HISTORY:**

1. Amendment filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1386. Revised Criteria for Evaluation of Education.**

(a) Only those doctorate degrees which are designated as being earned in a department or school of psychology, educational psychology or education with the field of specialization in counseling psychology or educational psychology shall be accepted as an earned doctorate degree as specified in Section 2914, subsections (b) (1) through (3), of the code. Any other degree shall be subject to evaluation as an equivalent degree pursuant to the requirements of this section even though the designation "psychology" may be included in the title. If it is not evident on the official transcript, the committee may require that any doctorate degree earned in education with the field of specialization in counseling psychology or educational psychology be certified by the registrar as such a degree.

(b) Any doctorate degree earned in a program while approved by the American Psychological Association shall be deemed an equivalent degree pursuant to the provisions of this section.

(c) In order to be acceptable for psychology licensure as an equivalent degree, an applicant's doctorate degree shall meet the following requirements:

(1) The doctorate degree shall be equivalent or similar to a doctorate degree in psychology although not completed within a school or department of psychology, such as, a degree in child development, human development or behavioral medicine.

(2) Although the emphasis for evaluation of an equivalent degree is placed on the nature of the degree and the contents of the graduate program, the applicant's graduate program leading to the doctorate degree shall have contained at least 48 semester or 72 quarter units in those subject areas listed in subsection (c) (4) which have been successfully completed since receipt of a baccalaureate degree.

(3) The degree program shall be a recognizable and organizational unit within an educational institution which is under the authority of an official who has responsibility for the core and specialty areas of the program's curriculum.

(4) The degree program shall have an integrated, organized curriculum and sequence of study which includes instruction in the areas of biological bases of behavior, cognitive-affective bases of behavior, social bases of behavior and individual differences, instruction in psychometrics and research methodology, and professional ethics, and supervised practicum, internship and field or laboratory training, all of which is appropriate to the practice of psychology.

(5) All the coursework submitted as part of the equivalent degree program shall have been completed prior to receipt of the doctorate degree; however, the committee in its discretion may consider coursework which is directly relevant and appropriate to the course of study of the degree program which is completed after the doctorate degree is received.

(d) Applicants submitting evaluation for licensure shall submit official course descriptions of all post-baccalaureate courses completed and an abstract of the doctoral dissertation.

(e) Graduates of foreign universities, colleges or professional schools are exempt from the provisions of this section and shall be evaluated pursuant to Section 1385.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code

**HISTORY:**

1. Renumbering and amendment of former Section 1386 to Section 1387.5, and renumbering of former Section 1384.6 to Section 1386 filed 6-15-83; effective thirtieth day thereafter.

1386.5. Effect of Revised Criteria for Evaluation of Experience.

NOTE: Authority cited: Section 2930, Business and Professions Code.

HISTORY:

1. New section filed 2-14-77, effective thirtieth day thereafter (Register 77, No. 8)
2. Amendment and repealer of NOTE filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
3. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

1387. Revised Criteria for Evaluation of Experience.

"Supervised professional experience" pursuant to Section 2914(c) of the code means:

(a) Supervised professional experience may be accrued only under conditions described in Sections 2909, 2910, 2911, 2912 and 2946, as a registered psychological assistant under Section 2913, or as a registered psychologist under Section 2909(d) of the code.

(b) A qualified primary supervisor means a psychologist who is engaged in rendering professional services a minimum of one-half time of the same working setting in which the person supervised is obtaining supervised professional experience.

(c) The qualified primary supervisor may delegate a portion of the supervision for which he or she is responsible to another licensed psychologist or an individual otherwise qualified to act as a supervisor.

(d) The applicant's supervised professional experience shall be in the same or similar field of psychology as is the applicant's education and training.

(e) A year of supervised professional experience shall consist of not less than 1500 hours which shall be completed within thirty (30) consecutive months. Two (2) years of satisfactory supervised professional experience are required, one (1) of which shall be completed after being awarded the doctorate degree. When an applicant accumulates all the required experience post-doctorally, it shall be completed within a period of sixty (60) consecutive months.

(f) Applicants may not receive credit for more than 176 hours of supervised professional experience in any one (1) month.

(g) Supervised professional experience may not be accumulated until the applicant has completed forty-eight (48) semester/trimester or seventy-two (72) quarter units of graduate-level coursework in psychology, educational psychology or their equivalent. This coursework shall be received from an accredited or approved educational institution or any other educational institution approved by the committee as offering a comparable program.

(h) Unit credit awarded for theses or dissertations shall not be credited toward the coursework required in subsection (g) above.

(i) A maximum of twelve (12) semester/trimester or eighteen (18) quarter units of practicum courses may be credited toward the coursework required in subsection (g) above.

(j) Any applicant whose doctorate degree has been awarded with less than forty-eight (48) semester/trimester or seventy-two (72) quarter units of coursework in psychology, educational psychology, or courses deemed equivalent by the committee may accrue supervised professional experience from the date all requirements for the doctorate degree have been completed, as verified by the registrar, or after the degree is awarded.

(k) The phrase "after being awarded the doctorate" as used in Section 2914(c) of the code shall be construed to mean after the date the registrar certifies the applicant has completed all the requirements for the doctorate.

(l) The supervised professional experience shall include direct (individual or group) supervision by a qualified supervisor for a minimum of one (1) hour or ten percent (10%) of the actual time worked per week in the setting by the person supervised, whichever is greater. At least one (1) hour per week shall be direct, individual face-to-face supervision between the person supervised and his or her primary supervisor.

(m) The 1500 hours of supervised professional experience which may be obtained prior to the awarding of the doctorate degree may be obtained either:

(1) In a training program which is approved by a university, college or school and which has a training agreement with the educational institution to provide supervised professional experience to the psychological intern, or

(2) As a psychological assistant in compliance with Article 4.5 of this chapter.

(n) The supervised professional experience may consist of work in psychological research for an accredited or approved college or university offering an advanced degree or work in a research organization in which psychological research is an important function, if the work for which hourly credit will be granted otherwise complies with the provisions of this section.

(o) "Suitable alternative supervision as determined by the committee" means:

(1) Supervision by a psychologist licensed or certified in another state or territory of the United States, a diplomate of the American Board of Professional Psychology, or by a psychologist who holds a doctorate degree in psychology and who has a minimum of three (3) years of professional post-doctoral experience.

(2) A maximum of 750 hours of supervised professional experience may be under a primary supervisor who is a licensed professional other than a psychologist, including but not limited to, board eligible or board certified psychiatrists, educational psychologists, or clinical social workers.

(p) Supervised professional experience shall be obtained while functioning as a psychologist in an exempt setting, as a psychological assistant as provided in Section 1391.7 or otherwise pursuant to subsection (a) above, and not while functioning under any other professional license or in any other professional capacity. This shall not be construed to restrict independent practice under any other professional license or in any other professional capacity; however, such practice shall not be counted toward the required hours of experience.

(q) Any experience obtained while under the supervision of a practitioner with whom the applicant has an interpersonal or familial relationship shall not be counted toward the required hours of supervised professional experience.

(r) No credit shall be given towards professional experience obtained under the supervision of a person who has received monetary payment or other consideration directly from the applicant for the purpose of rendering such supervision.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

HISTORY:

1. Amendment of subsection (m) filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39). For prior history, see Registers 77, No. 8, 77, No. 48, 78, No. 13 and 78, No. 17.

2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25)

**1387.5. Pre-doctoral Experience.**

In addition to hours of supervised professional experience for which credit may be received under Section 1387, any applicant who commenced and completed the pre-doctoral experience prior to January 1, 1979 shall also have the following hours credited towards the required professional experience as provided:

(a) The supervised experience shall have provided for a minimum of one hour per week of face-to-face or similarly effective consultation between the supervisor and the applicant during its entire duration. A statement from the supervisor verifying the applicant's supervised experience and setting forth the nature and extent of such supervision shall be required.

(b) A full-time appointment teaching psychology may count for one-half of the one year of pre-doctoral experience provided that such teaching shall have been in courses in the same field of psychology as the experience, or in a similar field. Such appointment may not substitute for the one full year of post-doctoral supervised experience.

(c) Applicants with specialization in clinical or counseling psychology may substitute for six months of pre-doctoral supervised experience verified evidence of 200 or more hours of personal psychotherapy experience subsequent to the completion of the graduate units specified in subsection (g) of Section 1387, under the supervision of a diplomate of the American Board of Professional Psychology, under a licensed psychologist or a psychologist who would be eligible for licensure in California, or under a physician who is certified in psychiatry by the Board of Psychiatry and Neurology of the American Medical Association.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

**HISTORY:**

1. Renumbering and amendment of former Section 1386 to Section 1387.5 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 78, No. 13; and 77, No. 48.

**Article 4. Examination**

**1388. Examinations.**

(a) The examination shall consist of both a written and an oral examination.

(b) The written examination utilized by the committee is the Examination for Professional Practice in Psychology prepared by the American Association of State Psychology Boards and administered by the Professional Examination Service through the committee. An applicant shall pass the written examination before the oral examination may be taken.

(c) An applicant is forbidden to remove examination materials from the examination room or make any record of any questions or answers. Any applicant cheating shall be removed from the examination.

NOTE: Authority cited: Sections 851 and 2930, Business and Professions Code. Reference: Sections 851, 2941 and 2942, Business and Professions Code.

**HISTORY:**

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
2. Amendment of subsection (b) filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).
3. Repealer and new section filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
4. Amendment of subsection (b) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).

**1388.5. Oral Examinations.**

(a) The committee shall notify applicants of the areas to be covered in the oral examination and applicants shall be examined only in such areas.

(b) Any applicant who fails to receive a grade of 75 in an oral examination shall be given reasons in writing why the failing score was issued.

(c) The committee shall keep an electronic recording of each oral examination for at least two (2) years following the date of the examination.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2931, 2941 and 2942, Business and Professions Code; and Section 12944, Government Code.

**HISTORY:**

1. New section filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1389. Reconsideration of Examinations.**

(a) All requests for reconsideration of oral examinations shall be submitted in writing to the committee's office in Sacramento within sixty (60) days following notification of failure of the examination.

(b) A failed oral examination shall be reconsidered by the committee if the applicant received a grade of 72.5 or greater. The committee may reconsider an oral examination with a grade less than 72.5.

(c) The review of an oral examination will be conducted by one or more committee members and their findings may be subject to the approval of the committee in its discretion.

(d) There shall be no reconsideration of the grade received on an objective written examination.

(e) Nothing in this section shall be construed to deprive an applicant of his or her rights of appeal as afforded by other provisions of law.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2942 and 2944, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
3. Amendment of subsection (c) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
4. Amendment of subsections (b) and (c) filed 7-28-80; effective thirtieth day thereafter (Register 80, No. 9).
5. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1390. Inspection of Examinations.**

(a) All examination materials, except those owned by an examination service shall be retained by the committee at the committee's office in Sacramento for a period of two (2) years after the date of the examination.

(b) Any person desiring to inspect his or her oral examination rating sheet or the recording of his or her oral examination may, within a period of one year following the date of the examination and upon written request to the committee, inspect such examination materials at the committee's office in Sacramento during the regular office hours. No more than one inspection shall be allowed. At the time of inspection, no one other than the person inspecting his or her examination and a representative of the committee shall be present; nor shall any notes be made at the time of the inspection.

ENTITLED, An Act to regulate the profession of psychology and to provide penalties for violation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Terms used in this Act, unless the context otherwise requires, mean:

- (1) "Board," the board of examiners of psychologists established under this Act;
- (2) "Psychologist," a person licensed under this Act who holds himself out to the public by any title or description of services which uses the words psychological, psychology, psychologist, psychometrist, or any derivations thereof;
- (3) "The practice of psychology," rendering or offering to render to individuals, groups, organizations or the public any service involving the application of psychological procedures for the assessment, diagnosis, prevention, treatment or amelioration of psychological problems or emotional or mental and nervous disorders of individuals or groups; or for the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing problem;
- (4) "Psychological procedures," include but are not restricted to the application of principles, methods or procedures of understanding, predicting or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, behavior modification, environmental manipulation, group process, psychotherapy, biofeedback or hypnosis; and the

methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions or motivation;

- (5) "Program in psychology," a doctoral program, including a doctor of philosophy degree (Ph. D.), a doctor of psychology degree (Psy. D.) and a doctor of education degree (Ed. D.), for training in psychology that meets all of the following criteria:
- (a) The program offers doctoral training in a regionally accredited institution of higher education;
  - (b) The program, wherever it may be administratively housed, is identified as a psychology program or primarily psychological in nature as certified by the educational institution. The board may review the institutional catalogs and brochures to determine the psychological nature of the program;
  - (c) The program must be a recognizable, coherent organizational entity within the institution;
  - (d) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
  - (e) The program must be an integrated, organized sequence of study;
  - (f) There must be an identifiable psychology faculty;
  - (g) The program must have an identifiable body of students who are matriculated in that program for the purpose of receiving a degree;
  - (h) The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology;
  - (i) The curriculum must encompass a minimum of three academic

years of full time graduate study. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the four following substantive areas. This may be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in these four substantive content areas:

- (i) Biological bases of behavior: physiological psychology, comparative psychology, neuro-psychology, sensation and perception, psychopharmacology;
- (ii) Cognitive-affective bases of behavior: learning, thinking, motivation, emotion;
- (iii) Social bases of behavior: social psychology, group processes, organizational and systems theory;
- (iv) Individual differences: personality theory, human development, abnormal psychology.

In addition to these criteria, programs in psychology shall include course requirements in specialty areas.

Section 2. The provisions of this Act do not apply to the following persons:

- (1) Employees of a regionally accredited academic institution while performing their teaching, training or research duties;
- (2) Employees working in public or private non-profit organizations or institutions if they are being supervised by a licensed psychologist. The nature of an acceptable supervisory relationship shall be specified by the board in rules promulgated pursuant to chapter 1-26;
- (3) Students of psychology, psychological interns or persons pre-

paring for the practice of psychology in a training institution or facility approved by the board, if they are designated by the title "psychological trainee" or similar title which clearly indicates their training status;

- (4) Persons who are not residents of this state, and who have not established offices in this state, who render psychological services in this state for a period which does not exceed an aggregate of more than twenty days during any one year, if they are authorized under the laws of the state or country of their residence to perform these activities and services. If a provider exceeds ten consecutive days of practice in this state in any calendar year he shall report to the board, in writing, the nature and extent of his practice in this state;
- (5) Persons consulting in the specialty areas of experimental psychology, industrial/organizational psychology, developmental psychology, social psychology and research design. Individuals, who represent themselves as consulting in these specialty areas, must notify the board of the general nature of their activities, unless they are otherwise exempted by this section;
- (6) School psychologists and school psychological examiners certified by the division of elementary and secondary education practicing and functioning within the scope of their employment if they use the title "certified school psychologist" or "school psychological examiner";
- (7) Qualified physicians, surgeons, dentists, osteopaths, optometrists, chiropractors, podiatrists, attorneys, court employees, marriage counselors, family counselors, members of the clergy, mental health counselors, school counselors, rehabilitation counselors, employment counselors, guidance counselors or social workers doing work within the standards and ethics of

their respective professions if they do not hold themselves out to the public by any title incorporating the term "psychology".

Section 3. There is created a board of examiners of psychologists which shall consist of five members, one of whom shall be a lay member. The remaining four members are to be licensed psychologists broadly representing a cross section of the profession of psychology. All members shall be appointed by the Governor.

Section 4. Appointments to the board shall be of individuals qualified under section 5 of this Act. Initial psychologist members of the board shall complete an application for licensure required of applicants for licensure. The board shall act on the application of each initial appointee, with the appointee involved abstaining, in order for licensure to be granted to that appointee. The term "lay member" means a person who is not licensed by the board but who may use the services of a licensed psychologist, and the meaning shall be liberally construed to implement the purpose of this section.

Section 5. To be eligible for appointment to the board, a person, other than a lay member, shall have a doctoral degree from a regionally accredited university or college in a program in psychology and shall have had a supervised psychological internship amounting to not less than one thousand eight hundred hours in duration over a period of not more than two consecutive calendar years and shall have engaged in the postdoctoral practice of psychology in the state of South Dakota for not less than two years. The credentials of each psychologist on the board shall be documented and shall be public record as provided in chapter 1-27.

Section 6. Initial appointments to the board shall be for terms of one, two and three years, respectively, with one member appointed for one year, two members appointed for two years and two members appointed for three years. Thereafter, appointments shall be for terms

of three years, beginning on the first day of July.

Section 7. The Governor may remove a member of the board for cause. If there is a vacancy on the board caused by the death, resignation or removal from the state of a member or for any other reason, the Governor shall appoint a new member to serve the unexpired term. No member of the board may serve for more than two successive terms. The appointment of a member to an unexpired term is considered a full term.

Section 8. The initial board shall meet at Pierre, South Dakota, within one month after appointment and elect a president, vice president and a secretary from its members. Thereafter the board shall elect officers annually. The board shall meet at least once a year at a place and time determined by the president of the board. The secretary of the board shall be responsible for taking and keeping the minutes of all board meetings.

Section 9. The board of examiners of psychologists shall be within the department of commerce and shall exercise all its prescribed functions. The department of commerce shall provide all administrative functions other than those of the board member serving as secretary. The expenses of the department of commerce, ~~other than personnel expenses,~~ shall be paid from the account established in section 38 of this Act, on vouchers approved by the secretary of the department of commerce and the board member secretary. The board shall submit records, information and reports in the form and at the time required by the secretary of commerce. The board shall also approve an annual report as required by chapter 1-28.

Section 10. After January 1, 1982, no person may represent himself as a psychologist, or engage in the practice of, or attempt to practice, psychology by using the title of "psychologist" unless licensed pursuant to the provisions of this Act or exempted under the provi-

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sions of section 2 of this Act.

Section 11. A psychologist licensed by another state may practice within this state for a maximum period of six months, during which time his credentials must be reviewed and his application for licensing accepted or denied. Within thirty calendar days after the commencement of his practice in this state, he shall apply to the board for licensing. The board, upon application and payment of the license fee, shall license any individual who is licensed by any other country, state, territory or possession of the United States, if the license was issued under the minimum requirements of this Act and who has practiced at least five years in such jurisdiction.

Section 12. The board shall issue a license as a psychologist to an applicant who:

- (1) Has a doctoral degree from a regionally accredited university or college in a program in psychology; and
- (2) Has passed an examination specified by the board for this purpose; and
- (3) Has had a supervised psychological internship amounting to not less than one thousand eight hundred hours in duration over a period of not more than two consecutive calendar years and one year of postdoctoral psychological experience.

Section 13. An applicant for licensure as a psychologist is exempt from the requirement of a doctoral degree in a program in psychology as listed in section 12 of this Act if, for one year immediately preceding January 1, 1982, he has formally and consistently represented himself to the public as a psychologist, has a master's degree in psychology or primarily psychological in nature, and has spent the majority of his working hours in the practice of psychology, and if the board receives the application for licensure on or before January 1, 1982.

Section 14. An applicant for licensure as a psychologist is exempt from the examination requirement of section 12 of this Act if the board receives the application for licensure on or before January 1, 1982.

Section 15. An applicant for licensure as a psychologist is exempt from the requirement of a psychological internship as listed in section 12 of this Act if he has one year of psychological experience, and if the board receives the application for licensure on or before January 1, 1982.

Section 16. To qualify for the exemptions specified in sections 13, 14 or 15 of this Act, the applicant for licensure shall have lived in South Dakota for one year preceding the time the board receives the application for licensure.

Section 17. An applicant for licensure as a psychologist is exempt from the requirements of section 12 of this Act if he holds a diploma issued by the American Board of Professional Psychology.

Section 18. By a unanimous vote of the board an applicant for licensure as a psychologist may be required to demonstrate competence in only three of the four substantive areas of study referred to in the definition of a program in psychology in section 1 of this Act. This is contingent upon the applicant submitting a satisfactory proposal outlining how he intends to remediate the deficiency in the fourth substantive area.

Section 19. The fee to be paid by an applicant for a license to practice psychology shall be set by the board in rules adopted pursuant to chapter 1-26. Such fee may not exceed three hundred dollars.

Section 20. An applicant failing to pass an examination required by this Act shall be entitled to reexamination within six months upon payment of an additional fee, not to exceed two hundred dollars, to be set by the board in rules adopted pursuant to chapter 1-26. One

reexamination exhausts the privilege under the original application.

Section 21. In applying for licensing, an applicant shall apply on forms prescribed by the board. The board shall require that the application be verified by a notary public. The license fee shall accompany the application. The board shall require each applicant to give evidence of the quality, scope and nature of the applicant's experience and education. The application and all supporting evidence shall be public record as provided in chapter 1-27.

Section 22. The board shall hold examinations at least semiannually at a place designated by the board. The type of examination, including a national standardized examination, required shall be determined by the board.

Section 23. The license issued by the board shall contain the full name of the licensee and shall bear a serial number and the address of the person licensed. The license shall be signed by the president and the secretary of the board under the seal of the board. Licenses shall be conspicuously displayed at the licensee's primary place of practice within thirty days after issuance.

Section 24. The license shall be renewed biennially by payment of a fee, not to exceed two hundred dollars, to be determined by the board. The failure of a licensee to renew his license on or before the first day of July of the year of expiration shall constitute a forfeiture. However, a person who forfeits his license may have it restored by making written application and payment of the required renewal fee prior to the first day of January of the next year, following notification from the board.

Section 25. The board shall adopt a code of ethics for psychologists licensed under this Act which may be the current code of ethics of the American Psychological Association.

Section 26. The board shall maintain a record of the continuing

education for each licensee. A report of the continuing education shall be a part of the renewal application for licensure. The type and amount of continuing education required shall not exceed six continuing education units per year and shall be set by the board in rules adopted pursuant to chapter 1-26.

Section 27.

Section 28. The board shall recommend to the attorney general the bringing of civil actions to seek injunctions and other relief against violations of this Act.

Section 29. The license of a psychologist may be revoked or suspended or denied upon any of the following grounds:

- (1) The licensee is guilty of fraud or deceit in his admission to practice or in the practice of psychology;
- (2) The licensee has been convicted of a felony during the past five years. "Felony" means an offense which, if committed in South Dakota, would be a felony under South Dakota law;
- (3) The licensee is engaged in the practice of psychology under a false or assumed name and has not registered that name pursuant to chapter 37-11, or is impersonating another practitioner of a like or different name;
- (4) The licensee is using intoxicating liquors, narcotics or stimulants to such an extent as to impede him from the performance of his professional duties;
- (5) The physical or mental condition of the licensee is determined to be such as to jeopardize or endanger those who seek the professional services of the licensee. By majority vote of the entire board, the board may demand a physical or mental examination of a licensee. The failure to submit to the examination is immediate grounds for the suspension of the licensee's license;

- (6) The licensee has been found in violation of the code of ethics adopted by the board;
- (7) The licensee has obtained or attempted to obtain a license, certificate or renewal thereof by bribery or fraudulent representation;
- (8) The licensee knowingly made a false statement in connection with any application required by this Act;
- (9) The licensee lacks required training or fails to meet the continuing education requirements set by the board;
- (10) The licensee knowingly made a false statement on any form promulgated pursuant to this Act; or
- (11) The licensee has violated any provision of this Act or the rules promulgated by the board.

Section 30. The proceedings for suspension or revocation of a license may be initiated when the board has information that any person may have been guilty of any misconduct listed in section 29 of this Act. At least four members of the board must be present at a hearing to suspend or revoke a license, or to reissue a license which has been revoked or suspended. All proceedings relative to the revocation or suspension of a license shall conform to the procedure set forth in chapter 1-26.

Section 31. The decision of the board of examiners to suspend or revoke a license requires a majority vote of all the board members.

Section 32. Any person aggrieved by an act, ruling or decision of the board may appeal pursuant to chapter 1-26.

Section 33. Upon written application establishing compliance with existing licensing requirements and for reasons the board deems sufficient, the board for good cause shown, by majority vote, may, under the conditions it may impose, reinstate or reissue a license to any person whose license has been suspended or revoked.

Section 34. A person violating the provisions of this Act may be enjoined from further violations by an action brought by the state's attorney of the county where the violations occurred or by action brought by any citizen in this state. The attorney general, the board or the state's attorney may apply to the circuit court for the county in which a violation of this Act is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts.

Section 35. The board shall investigate every alleged violation of this Act. The board may employ special counsel, subject to approval, supervision, control and direction by the attorney general, to assist in the prosecution of violations of this Act, and to spend the necessary funds for that purpose.

Section 36. The department of commerce shall keep a record of the names of all persons licensed under this Act, the license number of each, the date of each license and renewal and other matters of record. A transcript of any record therein or a license that is entered therein, the name, license number and date of granting or renewal of that license to a person charged with a violation of any of the provisions of this Act, certified by the president and the secretary, shall all be admitted as evidence in any of the courts of the state of South Dakota. The original books, records and papers of the board shall be kept at the office of the department of commerce and another copy shall be filed with the secretary. The secretary shall furnish to any person making application therefor, a copy of any record certified by him as secretary, upon payment of a fee to be established by the board in rules adopted pursuant to chapter 1-26.

Section 37. The board members shall be paid per diem and reimbursed expenses at a rate not to exceed the same rate as other state employees while engaged in their official duties.

Section 38. All money coming into the custody of the board each calendar month shall be paid to the state treasurer on or before the tenth day of the next month. The state treasurer shall keep the money in a separate account for the South Dakota board of examiners of psychologists. The money in that account is continuously appropriated to the board for administering and enforcing this Act. The total expense incurred may not exceed the total money collected by the board under the provisions of this Act.

Section 39. The confidential relations and communications between a licensed psychologist and a person consulting him in his professional capacity are confidential. Nothing in this Act may be construed as to require those privileged communications to be disclosed; nor may a psychologist's secretary, stenographer or clerk be examined without the consent of his employer concerning any fact, the knowledge of which he has acquired in such capacity.

Section 40. The members of the board, and those acting in the name of the board, when carrying out their duties under this Act, and those testifying before the board in good faith, may not be held personally liable and the board may insure itself against liability.

Section 41. That § 1-35-8 be amended by adding thereto a new subdivision to read as follows:

(21) The board of examiners of psychologists created by this Act.

ARTICLE 20:60

PSYCHOLOGISTS

Chapter

- 20:60:01 to 20:60:04 Repealed.
- 20:60:05 Application procedure.
- 20:60:06 Eligibility.
- 20:60:07 Standards of behavior.

Code Commission Note: Chs 20:60:01 to 20:60:04, inclusive, were voided when the authority of the board of examiners of psychologists to promulgate rules was repealed by SL 1978, ch 4, § 2(3). See SDCL 1-26-8.1.

CHAPTER 20:60:05

APPLICATION PROCEDURE

Section

- 20:60:05:01 Fee for initial licensure under SDCL 36-27A-13.
- 20:60:05:02 Fee for initial licensure with examination.
- 20:60:05:03 Reexamination fee.
- 20:60:05:04 Renewal fee.
- 20:60:05:05 Application forms.
- 20:60:05:06 Written examination.
- 20:60:05:07 Oral examination.
- 20:60:05:08 Passing scores for examinations.
- 20:60:05:09 Fee for copies of records.

20:60:05:01. Fee for initial licensure under SDCL 36-27A-13. The fee for initial licensure under SDCL 36-27A-13 is \$300. This fee is nonrefundable.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-19.

Law Implemented: SDCL 36-27A-19.

20:60:05:02. Fee for initial licensure with examination. Candidates for licensure under SDCL 36-27A-12 shall pass a written and oral examination. The fee for initial licensure by examination is \$300.

The board shall refund to the applicant \$150 of the \$300 fee if the applicant notifies the board of his intention not to take the examination at least 30 working days before the scheduled examination date or if the initial application indicates that the applicant is ineligible for licensure.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-19.

Law Implemented: SDCL 36-27A-19.

20:60:05:03. Reexamination fee. An applicant failing to pass either or both portions of the initial written or oral examination is entitled to reexamination of the failed portion within six months upon payment of \$125.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-20.

Law Implemented: SDCL 36-27A-20.

20:60:05:04. Renewal fee. The license shall be renewed biennially upon payment of \$150.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-24.

Law Implemented: SDCL 36-27A-24.

20:60:05:05. Application forms. To qualify for licensure under SDCL 36-27A, the applicant shall complete and submit to the board an application form approved by the board. The form shall contain the following information:

- (1) Name, address, and telephone number;
- (2) Date and place of birth;
- (3) A description of licenses held in other states;
- (4) A request for reciprocity, if applicable;
- (5) Date and circumstances of previous Professional Examination Service examination;
- (6) A statement of any psychology licensure denied;
- (7) A statement of any professional sanctions as a psychologist;
- (8) A statement of any criminal record;
- (9) A statement of education and training;
- (10) Official educational transcripts;
- (11) A description of internship;
- (12) A description of professional experience;
- (13) Compliance with SDCL 36-27A-12 unless exempted; and
- (14) Notarized signature of applicant.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-21.

Law Implemented: SDCL 36-27A-21.

20:60:05:06. Written examination. The written examination shall be a national standardized examination. Examination dates shall be set one year in advance. Complete applications shall be received six weeks before the actual testing date.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-22.

Law Implemented: SDCL 36-27A-22.

20:60:05:07. Oral examination. The oral examination shall focus on ethical issues as they relate to the clinical practice of psychology. The applicant shall be scored in the oral examination by a majority of the

board members present. A minimum of four board members shall be present during the oral examinations.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-22.

Law Implemented: SDCL 36-27A-22.

20:60:05:08. Passing scores for examinations. In order to qualify for licensure, the applicant shall achieve a minimum of 75 percent on the oral examination and a minimum of one standard deviation below the national mean on the written examination.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-22.

Law Implemented: SDCL 36-27A-22.

20:60:05:09. Fee for copies of records. Upon written request, the department of commerce will provide copies of certified records. A fee of \$.50 per page is payable in advance.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-35.

Law Implemented: SDCL 36-27A-35.

#### CHAPTER 20:60:06

#### ELIGIBILITY

##### Section

20:60:06:01 Supervisory relationship.

20:60:06:01. Supervisory relationship. An acceptable supervisory relationship consists of supervision by a psychologist licensed in South Dakota. Supervisors do not need to be actual employees of the organization or institution. The supervisor shall spend a minimum of two hours per month in person with each individual that he supervises.

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-2(2).

Law Implemented: SDCL 36-27A-2(2).

#### CHAPTER 20:60:07

#### STANDARDS OF BEHAVIOR

##### Section

20:60:07:01 Code of ethics.

20:60:07:01. Code of ethics. The code of ethics for the board of examiners of psychologists is the code of ethics of the American

Psychological Association (June, 1981).

Source: 8 SDR 92, effective February 3, 1982.

General Authority: SDCL 36-27A-25.

Law Implemented: SDCL 36-27A-25.

Reference: "Ethical Principles of Psychologists," American Psychologist, Vol. 36, No. 6, pages 633-638 (June, 1981). Copies may be obtained from the American Psychology Association, 1200 - 17th Street, NW, Washington, D.C. 20036; \$.65 per copy.

*Please see below  
and page 5 of the*

# North Dakota Statutes, State Board of Psychologist Examiners

Office of the Secretary  
Box 7187  
University Station  
Grand Forks, N. D. 58202

Re: APPLICATION FOR LICENSURE AS A PSYCHOLOGIST

Enclosed is an application for licensure as a psychologist in the State of North Dakota. The three forms are to be given to your endorsers who are to return them directly to me. At the time you return the application, a check for \$150 (non-refundable) should be enclosed. It should be made out to the North Dakota Board of Psychologist Examiners, and will be deposited into the Bank of North Dakota.

As soon as transcripts, endorsements, and your application have been received, the material will be presented to the Board for its action. The North Dakota law has three basis requirements:

1. the doctoral degree in psychology (or substantial equivalent)
2. Successful performance on a national examination (Examination for Professional Practice in Psychology)
3. An oral examination as determined by the Board.

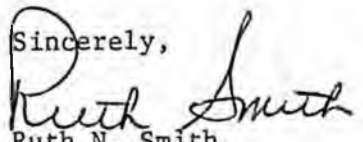
*Note: No experience required.*

At the present time, the Board has set the cutoff score for successful performance on the national examination at 1/2 standard deviation below the mean for "All Doctoral First-Time" candidates. The Board shall determine an acceptable level of performance for the oral examination and a majority decision of the Board is required for the issuing of a license. North Dakota law permits reciprocity provided the standards of the state issuing the license are not lower than those of North Dakota.

If you have been licensed in another state, or have already taken the EPPP, please have your license board provide the scores, as well as the place, and form of the examination.

The examinations are given twice a year, April and October (both written and oral), and the Board meets in conjunction with those examinations. Your file must be complete by March 1, 1986 to be presented to the Board to determine your eligibility for examination on April 11.

If you have any questions, please contact me at the above address, or by telephone (701) 777-3451.

Sincerely,  
  
Ruth N. Smith  
Executive Secretary

enc.

Chapter 43-32 North Dakota Century Code

pertaining to Psychologists

Section			
43-32-01	Definitions	43-32-18	Licensing of psychologists without examination -
32-32-02	State board of psychologist examiners - How appointed - Qualifications		Qualifications of applicants
43-32-03	Tenure of members - Vacancies and oath of office	43-32-19	Licensing of psychologists from other states
43-32-04	Removal of members	43-32-20	Licensing - Written and oral examination - Qualifications of applicants
43-32-05	Compensation of members - Expenses of board and members thereof	43-32-21	Consideration of application and notice to applicant
43-32-06	Officers of the board.	43-32-22	Time and place of examination
43-32-07	Meetings of board - Seal of board	43-32-23	Scope and grading of examination
43-32-08	Rules and regulations	43-32-24	Notice to applicant of examination results and right to reexamination
43-32-09	Examination of qualifications of applicants	43-32-25	Retention of examination
43-32-10	Power of board to administer oaths - Conduct hearings - Summon witnesses - Take testimony	43-32-26	Issuance and display of license
43-32-11	Annual reports	43-32-27	Denial-Revocation of suspension of license- Grounds
43-32-12	Application and license fee	43-32-28	Notice - Hearing - Findings of fact and order.
43-32-13	Annual license and fee	43-32-29	Appeal from decision of board
43-32-14	Payment of delinquent license fees - Reinstatement	43-32-30	Persons exempt from the provisions of this chapter.
43-32-15	Deposit and disbursement of fees - Repealed	43-32-31	Violation - Penalty - Injunction
54-44-12	Deposit and disbursement of funds of occupational and professional boards - Appropriations	43-32-32	Drugs-Medicine
43-32-16	Board to keep records		
43-32-17	License required		

- 43-32-01 Definitions. -
1. "Board" shall mean the North Dakota state board of psychologist examiners.
  2. "Psychologist" shall mean a person who holds himself out to the public by any title or description of services representing himself as a psychologist which incorporates the word "psychological", "psychologist", or "psychology", or a person who describes himself as above and, under such title or description, offers to render or renders service involving the application of principles, methods, and procedures of the science and profession of psychology to persons for compensation or other personal gain.
  3. "Psychology" shall mean the application of established principles of thinking, learning, motivation, perception and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment by persons trained in psychology. The application of said principles includes, but is

not restricted to, counseling, and behavior modification with persons or groups with adjustment problems in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; and doing research on problems relating to human behavior.

4. "School or college" means any university or other institution of higher learning that is accredited by a regional accrediting association, offering a full-time graduate course of study in psychology.

Source: S.L. 1967, ch. 357, pl  
Cross-References

Collateral References

Validity of legislation regulating child abuse or neglect, duty to report, licensing or providing for certification of psychologists, 81 ALR 2d 791  
Privileged communications between psycho-therapist and patient, see N.D.R. Evid., Rule proceedings, arising from relationship 503. Report of injuries, duty of mental health between psychiatrist or psychologist and professionals to make, see p 43-17-61. Privilege, in judicial or quasi-judicial patient, 44 ALR 3s 24.

- 43-32-02. State board of psychologist examiners - How appointed - Qualifications  
The governor shall appoint a state board of psychologist examiners consisting of five members, each of whom shall have the following qualifications.
1. Be a resident of this state.
  2. After the first five appointments, shall be a licensed psychologist under this chapter.
  3. Has, at least five years prior to appointment, received a doctorate degree in psychology from a school or college as defined in this chapter.
  4. Has been actively engaged in the practice of teaching or research of psychology for a period of at least five years.
  5. As to at least one member, is currently engaged primarily in rendering service in psychology and as to at least one member, is engaged primarily in teaching, training, or research in psychology.

Source: N.D.C.C.; S.L. 1981, ch. 435, p19.

- 43-32-03 Tenure of members - Vacancies and oath of office - After the first five appointments the term of office of each member of the board shall be three years, and until his successor is appointed and qualified. The terms of the first members of the board shall expire as follows: one member, June 30, 1968; two members June 30, 1969; and two members June 30, 1970. The governor shall fill all vacancies by appointment but in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only. A person appointed to the board shall qualify by taking the oath required of civil officers.

Source: S.L. 1967, ch. 357, p3

Cross-Reference.

Oath of civil officers, see p44-01-05

- 43-32-04 Removal of members - The governor may remove any member of the board for unprofessional conduct, incompetency or neglect of duty after giving such member a written statement of the reasons for removal and after such members has had an opportunity to be heard thereon.

Source: S.L. 1967, ch 357, p4

Cross-Reference

Removal of officers by governor, see ch 44-11.

- 43-32-05 Compensation of members - Expenses of board and members thereof. - Each member of the board shall serve without compensation but he shall receive such mileage and travel expenses while engaged in the performance of the duties of his office as is provided in section 54-05-09. The secretary of the board shall receive such salary or other compensation, and such allowances for clerical and other expenses of the board, as the board shall determine.

Source: S.L. 1967, ch. 357, p 5

**Cross-References**

Advances for travel expenses, see p. 44-08-04.2

Claims for travel expenses, see p 44-08-04

Limitation on claims for travel expenses, see p 44-08-03

Out-of-state travel, prior authorization required, see p 54-06-10.

Per diem allowance for long-term travel, see p 44-08-04.1

43-32-06 Officers of the board.- The board shall elect annually a president and vice president from its own number and a secretary who need not be a member of the board.

Source: S.L. 1967, ch. 357, p6.

43-32-07 Meetings of board - Seal of board. - The board shall hold at least one regular meeting each year. Additional meetings may be held upon call of the president or at the written request of the governor or of any two members of the board. The meetings shall be held at such places as the board may designate. The board shall have a seal.

Source: S.L. 1967, ch. 357, p 7.

43-32-08. Rules and regulations. - The board may from time to time adopt such rules and regulations not inconsistent with law, as may be necessary to enable it to carry into effect the provisions of this chapter, which may include a code of ethics for psychologists in the state.

Source: S.L. 1967, ch. 357, p8.

**Cross-Reference**

Administrative Agencies Practice Act, see ch. 28-32.

43-32-09 Examination of qualifications of applicants. - The board shall examine for, deny, approve, revoke, suspend and renew the licensing of applicants as provided under this chapter.

Source: S.L. 1967, ch. 357, p 9

**Collateral References**

Physicians and Surgeons 3,5  
61 Am. Jur. 2d, Physicians, Surgeons,  
and Other Healers, pp9-29.  
70 C.J.S. Physicians and Surgeons,  
pp 8, 13

Validity of legislation regulating,  
licensing or providing for certification of  
psychologists, 81 ALR 2d 791

Single or isolated transaction as falling  
within provisions of licensing requirements,  
93 ALR 2d 129.

43-32-10. Power of board to administer oaths - Conduct hearings - Summon witnesses - Take testimony. - The members of the board and the secretary may administer oaths.

The board may summon witnesses as provided in section 43-17-09 and 43-17-10,  
and take testimony in all matters relating to its duties, including the enforcement  
of the provisions and purposes of this chapter and the rules and regulations  
adopted by the board.

Source: S.L. 1967, ch. 357, p 10

43-32-11. Annual reports. - Each year, the board shall transmit to the governor, with a copy thereof to the secretary of state and to the North Dakota psychological association, a full report of all activities under this chapter, together with a report of all receipts and disbursements.

Source: S.L. 1967, ch 357, p 11

43-32-12 Application and license fee. - The application fee for licensing by written and oral examination and by reciprocity shall be determined by regulation of the board. No fee shall be refundable in whole or in part except for failure of the board to hold examinations at the time originally announced, in which event the entire fee shall be refunded upon demand by the applicant.

Source: S.L. 1967, ch 357, p 12

43-32-13. Annual license and fee. - On or before January first of each year, every licensed psychologist in the state shall pay to the secretary of the board an annual license fee to be determined by regulation of the board not to exceed one hundred dollars. The secretary of the board, upon payment of the annual license fee by a person licensed under this chapter, shall issue a certificate of annual license. No person shall hold himself out as a licensed psychologist until the annual license fee has been paid. The violation of this section shall be cause for revocation of his license by the board. The board shall annually mail a renewal notice to all licensed psychologists.

Source: S.L. 1967, ch. 357, p 13.

43-32-14. Payment of delinquent license fees - Reinstatement. - Any person who has been a licensed psychologist in this state under the provisions of this chapter, and who has had his license revoked because of his failure to pay the annual license fee, shall be reinstated and his license renewed by his paying to the secretary of the board the amount of the annual license fees in which he is then in default.

Source: S.L.1967, ch. 357, p 14.

43-32-15 Deposit and disbursement of fees. - Repealed.

54-44-12. Deposit and disbursement of funds of occupational and professional boards - Appropriation. All occupational and professional boards, associations, and commissions created by law shall deposit all fees and other moneys received in any bank selected by the majority vote of the governing body of the board, association, or commission. Checks may be drawn against the bank account, opened pursuant to this section, for the authorized expenditures of the board, association, or commission opening the account.

Source S.L. 1971, ch. 510, p 14

43-32-16. Board to keep records. -

1. The board shall keep a record of its proceedings and a register of all applicants for licensing which shall show:
  - a) The name, age and residence of each applicant
  - b) The date of the application
  - c) The place of business of such applicant
  - d) A summary of the educational and other qualifications of such applicants
  - e) Whether or not an examination was required
  - f) Whether or not license was granted
  - g) The date of the action of the board.
  - h) Such other information as may be deemed necessary or advisable by the board in aid of the above requirements.
2. The records of the board shall be public records and evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board, bearing the seal of the board, shall be admissible in evidence with the same force and effect as if the original were produced.

Source: S.L. 1967, ch 357, p 16

**Cross-Reference**

Admissibility of public records, see N.D.R. Evid., Rule 1005

43-32-17. License required. - No person shall hold himself out as a psychologist in this state after July 1, 1968, unless he has obtained from the board a license to do so under the provisions of this chapter.

Source: S.L. 1967, ch 357, p 17  
Collateral References  
Physicians and Surgeons 5.

61 Am. Jur. 2d, Physicians, Surgeons, and other Healers, pp 9-29.  
70 C.J.S. Physicians and Surgeons, p 8

43-32-18 Licensing of psychologists without examination - Qualifications of applicants.

1. For a period of one year from July 1, 1967, the board shall waive examination of a candidate for licensing if it appears that such action is in the public interest, and it shall issue a license upon payment of the required fee, to any applicant who makes application and furnishes evidence satisfactory to the board that he:
  - a) Is of good moral character
  - b) Is not found by the board to be engaged in unethical practices
  - c) Has received a doctorate in psychology from an accredited school or college or has training deemed equivalent by the board in both subject matter and extent of training.
2. At its discretion, the board may at any time issue a license without examination, upon payment of the required fee, to any diplomate of the American board of examiners in professional psychology

43-32-19. Licensing of psychologists from other states. - Upon application and accompanied by the required fee, the board may, without written or oral examination, issue a license to any person who at the time of application furnishes evidence satisfactory to the board that he is licensed or certified as a psychologist by a similar board of another state whose standards, in the opinion of the board, are not lower than those required by this chapter.

Source: S.L. 1967, ch 357, p 19

Collateral References  
License regulations discriminating against nonresidents, 112 ALR 68

43-32-20. Licensing - Written and oral examination - Qualifications of applicants.

- The board shall issue a license as a psychologist to each applicant who shall file an application upon a form and in such a manner as the board prescribes, accompanied by the required fee, and who furnishes evidence to the board that he:
1. Is of good moral character.
  2. Is not found by the board to be engaged in unethical practices.
  3. Has received from an accredited school or college as defined by this chapter a doctorate, with a program of studies substantially psychological in nature.
  4. Demonstrates professional competence as shown by passing such examination, written or oral, or both, as the board deems necessary.
  5. Has not, within the preceding six months, failed an examination given.

Source: N.D.C.C.: S.L. 1981, ch 435, p 21

43-32-21. Consideration of application and notice to applicant. - Upon investigation of the application and other evidence submitted, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensing is satisfactory and accepted, or unsatisfactory and rejected. If rejected, said notice shall state the reasons for such rejection.

Source: S.L. 1967, ch. 357, p 21.

43-32-22. Time and place of examination. - The time and place of examination shall be designated by the board and notice thereof shall be given to each applicant. Such examinations shall be given annually and at such other times as in the opinion of the board the number of applicants warrants.

Source: S.L. 1967, ch. 357, p 22.

43-32-23 Scope and grading of examination. - The board shall determine the subject and scope of specialized psychological areas and techniques for examination. Written examinations may be supplemented by such oral examinations as the board may determine. The board shall determine an acceptable level of performance for each examination and a majority decision of the board is required for the issuing of a license. To ensure impartiality, the written examination shall be identified by numbers and no paper shall be marked in the name of any applicant, but shall be anonymously graded by the board.

Source: S.L. 1967, ch 357, p 23

43-32-24. Notice to applicant of examination results and right to reexamination. - The board shall state in writing its reason for refusal of a license to any applicant who has been so denied. An applicant who fails his examination may be reexamined at a subsequent examination upon again paying the required examination fee.

Source: S.L. 1967, ch 357, p 24.

43-32-25. Retention of examination. - The board shall keep the written examination papers and an accurate recording of the questions and answers relating to the oral examinations and the grade assigned to each answer thereof as a part of its records for at least two years subsequent to the date of the examination.

Source: S.L. 1967, ch. 357, p 25.

43-32-26. Issuance and display of license. - The board shall be the sole agency empowered to examine competence in the practice of psychology. Such license certification shall show the full name of the licensee, have a serial number and be signed by the president of the board and attested by the secretary under the board's adopted seal. The license issued by the board under the provisions of this chapter shall be prominently displayed at the principal place of business where the psychologist practices.

Source: S.L. 1967, ch. 357, p 26.

43-32-27. Denial - Revocation or suspension of license - Grounds. -

- The board shall, after notice and hearing and by an affirmative vote of at least three of its five members, shall withhold, deny, revoke, or suspend any psychologist license issued or applied for in accordance with the provisions of this chapter, or otherwise discipline a licensed psychologist, upon proof that the applicant or licensed psychologist:
1. Has been convicted of an offense determined by the board to have a direct bearing upon a person's ability to serve the public as a psychologist, or where the board determines, following conviction of any offense, that a person is not sufficiently rehabilitated under section 12.1-33-02.1
  2. In using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a professional psychologist with safety to the public.

3. Has impersonated another person holding a psychology license or allowed another person to use his license.
4. Has used fraud or deception in applying for a license or in taking an examination provided for in this chapter.
5. Has allowed his name or license issued under this chapter to be used in connection with any person or persons who perform psychological services outside the area of their training, experience or competence.
6. Is legally adjudicated insane or mentally incompetent, the record of such adjudication being conclusive evidence thereof.
7. Has engaged in any form of unethical conduct as defined in "Ethical Standards for Psychologists" as adopted and published by the American Psychological Association, 1953, and as revised.
8. Has become grossly negligent in the practice of his profession.
9. Has willfully or negligently violated any of the provisions of this chapter.

The suspension by the board of the license of a psychologist shall be for a period not exceeding one year. A person who has been refused a license, or whose license has been revoked, under the provisions of this section, may reapply for licensure after two years have elapsed from the date of such denial or revocation.

Source: S.L. 1967, ch 357, p 27, 1977, ch. 130, p 54.

**Cross-References.**

Definition of offense, see p 12.1-01-04 (21).

Nonpayment of annual license fee as grounds for revocation, reinstatement, see pp 43-32-13 43-32-14.

**Collateral References**

Physicians and Surgeons 10, 11.1-11.3. 51 Am. Jur. 2d, Physicians, Surgeons, and Other Healers, pp 44-84. 70 C.J.S. Physicians and Surgeons, pp 3, 16-18, 31-35.

Conviction, what amounts to, within statute making conviction ground for cancelling license, 113 ALR 1179.

Nolo contendere or no vult, statute authorizing revocation of license upon conviction as applicable to conviction based on plea of, 152 ALR 287, 89 ALR 2d 606.

Revocability of license for fraud or other misconduct before or at the time of its issuance, 155 ALR 1138.

Admissibility and necessity of expert evidence in proceeding for revocation of license, 6 ALR 2d 675.

Validity of legislation regulating, licensing or providing for certification of psychologists, 81 ALR 2d 791.

Single or isolated transaction as falling within provisions of licensing requirements, 93 ALR 2d, 129.

Malicious prosecution predicated upon prosecution, institution or instigation of disciplinary proceeding against member of medical or allied profession, 39 ALR 3d 473

**43-32-28. Notice - Hearing - Findings of fact and order, -**

1. The board shall not withhold, deny, revoke or suspend any psychologist license for any cause listed in this chapter unless the person involved has been given at least thirty days' notice in writing by certified or registered mail, with return receipt demanded, of the charges against him and time and place of a public hearing by the board. The psychologist involved is entitled to be heard in his defense in person and with right of counsel and may produce testimony and may testify in his own behalf. A record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time. If the psychologist involved fails or refuses to appear, the board may proceed to hear and determine the charges in his absence.

2. The board shall make its findings of fact and order and a copy of such findings and order shall be mailed to the psychologist involved by registered or certified mail with a return receipt requested. Such order shall be effective upon mailing.

Source: S.L. 1967, ch 357, p 28.

**Cross-Reference**  
Administrative Agencies Practice Act, see ch. 28-32.

**41-32-29. Appeal from decision of board. -** An appeal from the final decision of the board in any matter covered by this chapter may be taken to the district court of the county in which the decision was made in accordance with the provisions of chapter 28-32.

Source: S.L. 1967, ch. 357, p 29.

**43-32-30. Persons exempt from the provisions of this chapter. The provisions of this chapter shall not apply to the following:**

1. Any person in the employ of any federal, state, county or municipal agency, or other political subdivision, or any nonprofit corporation or educational institution presently chartered by this state, insofar as the activities and services of such person are a part of the duties of his office or position with such agency, nonprofit corporation or institution. This exemption shall not be available or effective after July 1, 1970, provided, however, that such exemption period shall be extended by the board in individual cases where hardship or other good cause is shown by the agency, nonprofit corporation or institution covered hereby, or where the person affected hereunder has received from a school or college as defined herein, a master's degree in psychology and his activities and services with such agency, nonprofit corporation or institution are performed under the supervision of a licensed psychologist.
2. A student, intern or resident in psychology pursuing a course of study in psychology at a school or college as defined in this chapter if such activities and services constitute a part of his supervised course of study.
3. A nonresident, duly licensed or certified in the state of his residence who does not practice psychology in this state for a period of more than thirty days in any calendar year.
4. Lecturers from any school or college who utilize their academic or research title when lecturing to institutions or organizations.
5. Any person employed by a public school whose activities and services are restricted to the practice of psychology in the district or service unit of employment. This exemption shall apply only when the person to be exempted has received a master's degree in school psychology from an accredited graduate training program. Standards will be established by mutual consent of the board and the department of public instruction.

Source: N.D.C.C. S.L. 1979, ch 473, p 1

**43-32-31. Violation - Penalty- Injunction -** Any person who violates any of the provisions of this chapter shall be guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction shall be available to restrain and enjoin violations of any provision of this chapter with proof of actual damages sustained by any person.

Source: S.L. 1967, ch. 357, p 31; 1975, ch. 106, p 505.

43-32-32. Drugs - Medicine. - Nothing in this chapter shall be construed as permitting psychologists licensed under this chapter to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

Source: S.L. 1967, ch. 357, p 32

Cross-Reference  
"Practice of medicine" defined,  
see p 43-17-01.

Alabama

Please See Below

Revised July, 1984

Alabama Board of Examiners in Psychology

INFORMATION FOR APPLICANTS

The following information describes (1) application procedures, (2) examination procedures, and (3) general Board procedures. Please read carefully.

I. REQUIREMENTS FOR LICENSURE

Alabama Law Act # 535 (1963), (Amended 3/4/82) specifies the following requirements for licensure:

- A. Good moral character.
- B. At least 21 years of age.
- C. A doctoral degree from a department or school of psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards. ✓
- D. Competency in psychology as shown by passing such examinations, written or oral, or both, as the Board prescribes.
- E. No unethical behavior. *(Note: No experience requirement.)*

Appropriate other requirements, such as references and transcripts, are also specified by the Board's Rules and Regulations.

II. REQUIREMENTS FOR APPLICATION

- A. GENERAL REQUIREMENTS. You are required to submit the following items to the Executive Secretary of the Alabama Board of Examiners in Psychology:
  - 1. A completed and notarized application form.
  - 2. A check or money order made payable to the Alabama Board of Examiners in Psychology in the amount of \$125.00, as fee for application processing. If you are approved to take the Examination for the Professional Practice of Psychology, an additional examination fee of \$100.00 is required.
  - 3. Official transcripts of your entire training, to be sent directly from the registrars of the respective institutions. Isolated courses not contributing substantially to the degree need not be included.

4. Appropriate references. The application requires three references and one alternate. Names of PSYCHOLOGISTS ONLY should be supplied; at least two of your three references must be licensed or certified at the doctoral level in the state in which they reside. They should have sufficient familiarity with your education, ability and professional conduct to make the required assessment. The Board reserves the right to ask for additional references or to seek information from sources other than those supplied. (Current members of the Board of Examiners in Psychology are ineligible to act as references.)
  5. A Degree Validation form which you are to send to the registrar of the institution which granted your doctoral degree is enclosed. The registrar is then to forward this form directly to this board.
  6. A recent photograph of yourself.
- B. RECIPROCITY. If you are applying through reciprocity, you should indicate this in the space provided at the bottom of the first page of the application. The Board considers reciprocity only with states having statutory certification or licensing. The Alabama law provides that the state standards must not be lower than those in Alabama. These include (1) the doctorate degree from a department of, or school of psychology, from a recognized institution accredited by national and regional accrediting agencies as maintaining satisfactory standards, and (2) competency in psychology as shown by passing such examination, written or oral or both, as the Board shall prescribe.\* (If you were previously licensed through a waiver of examination, or if your scores fall below the mean for all doctoral candidates at the time you took the EPPP, you will be required to take it before being licensed in Alabama, unless you are an ABPP diplomate.)

When your application is received, the Board will request information from the Board in the state where you are currently licensed concerning the date of examination, test scores and pertinent normative information, current license or certificate number, date of issuance of the license or certificate and statement that the license is current and in good standing at the time of this application. Reciprocity candidates are required to take the PSE, described in item IV, A below. An individual administration of this exam can be requested by reciprocity candidates if the standard October and April testing dates are inconvenient.

Candidates should be aware that licensure by reciprocity can not occur until all materials are received by the Board and the Board has the opportunity to review the file at a regularly scheduled Board meeting to determine admission to the PSE. This entire process takes about two to three months from the time the application is received by the Board. In some cases the time may be considerably longer. Applicants by reciprocity should therefore apply well in advance of their anticipated licensure and should not imply to employers that their license will be awarded automatically or at a particular time. (See Item III, C.)

\*See Section IV, Examination

- C. ABPP DIPLOMATES. Alabama law permits waiver of the written examination for those who are Diplomates of the American Board of Professional Psychology. If you are applying on this basis, request the secretary of ABPP to certify your standing and to provide the date and certification number to the Executive Secretary of the Alabama Board. Such applicants should be noted in the space provided on the application.
- D. DOCTORATE NOT YET AWARDED. If you are applying just prior to receiving the doctorate, you can be screened to take the examination but cannot be licensed until the degree is actually conferred. In order to qualify to take the examination in these circumstances, you must have your university registrar notify the Board in writing that all requirements for the degrees are completed. A letter from your department or doctoral committee members will not suffice. In order to be licensed, you must have the registrar provide the Board with a copy of your transcript or other official document reflecting the awarding of the doctoral degree.
- E. LAPSED APPLICATION. If for any reason you allow your application to lapse uncompleted for a period of longer than one year, you will be required to request its reopening and to pay a second application fee.

### III. EVALUATION OF APPLICATIONS

- A. REVIEW OF COMPLETED APPLICATIONS. The Board reviews and evaluates completed applications at its regular meetings, which are ordinarily scheduled on the second Friday of the odd-number months. Your credentials will be reviewed at the next regular meeting of the Board following completion of your application, i.e., all transcripts and reference forms and any other pertinent information received. Since it generally takes from six to eight weeks for transcripts and other materials to arrive and completed applications are screened one month prior to the exam, your application form must be received by August 1, for the October exam and by February 1, for the April exam. If found eligible to take the Examination for Professional Practice in Psychology (EPPP) and the Professional Standards Examination (PSE), you will be notified by letter prior to the examination. If applying through reciprocity or as a Diplomate of ABPP, you will be notified by letter of your licensure or of any remaining requirements. If you are ineligible to take the examination, you will be notified of this by letter.
- B. APA MEMBERSHIP. Membership in the American Psychological Association is not a determinant or qualification for licensure. However, adherence to the APA Code of Ethics is required.
- C. CAUTION. Since licensure is required in order to practice privately in Alabama, psychologists planning to work in Alabama should make application well in advance. No temporary license for practice is granted by the Board, and there is no provision for practicing psychology prior to licensure. Individuals, in anticipation of licensure, occasionally present themselves as being Psychologists

(e.g. placing this title on an office door or stationery, or advertising in the Yellow Pages under "Psychologists"). Since this is in violation of the licensing act and professional ethics, the Board will initiate appropriate legal action and will not consider an application for a period of one year after the presentation has been withdrawn. Any presentation of oneself as a psychologist or a provider of psychological services prior to licensure will be considered a violation of the Psychology Practice Act.

- D. **AREAS OF COMPETENCE IN PSYCHOLOGY.** You will be required to indicate in your competency statement in the application the areas in which you intend to practice. You are responsible for presenting proof of your competence in these areas on the basis of experience and/or academic preparation. These considerations are found on Principle 2b. of the APA Code of Ethics, i.e., "The psychologist recognizes the boundaries of his competence and the limitations of his techniques that fail to meet professional standards established in particular fields." Before you are able to initiate practice in a new area of competence, you must submit to the Board proof that you have acquired further education and/or supervised experience which would broaden your competence in that area. Please note that the "competency statement", once approved by the Board, will be released upon inquiry concerning your credentials, providing that you give written consent for this release on such occasion.

#### IV. EXAMINATION

- A. **FORM AND FEES.** The Alabama Board uses the Examination for Professional Practice in Psychology; this test is designed and approved by the American Association of State Psychology Boards and distributed and scored by the Professional Examination Service (PES) in New York City. The cost of the examination to the applicant is \$100.00 and is in addition to the application fee. The examination fee is paid at the time of notification of eligibility for examination.

All candidates are also required to pass the Professional Standards Examination (PSE), which is a brief multiple choice exam covering material from the (1) Alabama License Law, (2) The APA Code of Ethics, and (3) The APA Standards for Providers of Psychological Services. The passing criterion is 80% of the items correct. This exam will be administered following the EPPP. Applicants by reciprocity may request individual administration. The fee for this exam when individually administered is \$25. The APA Code of Ethics and Standards for Providers of Psychological Services can be obtained free of charge from APA.

- B. **LOCATION AND DATES.** The examination is administered at one central location, generally in Montgomery on the second Friday in October and April as specified by the American Association of State Psychology Boards.
- C. **SCORING.** Candidates taking the examination are identified by number only for purposes of scoring and retrieval of information.

The completed examination is returned to the Executive Secretary and forwarded to New York for scoring. It generally takes from three to four weeks to receive scores from the Professional Examination Service. No information concerning these scores is released to candidates until after the Board meeting at which scores are reviewed. Exam scores will not be released over the telephone.

- D. CRITERION FOR PASSING. After review of the examination scores, the Executive Secretary notifies the candidate of the Board's decision concerning licensure. Criterion for successful completion of the EPPP is attainment of the national mean for all doctoral candidates at the time of testing. Criterion for successful completion of the PSE is 80% of the items correct. Complete individual and normative data are released to the candidate at the time of notification.
- E. TIME OF TEST. The EPPP is scheduled for a 4 hour period followed by the PSE which generally takes less than a half hour.
- F. INTERSTATE REPORTING SERVICE. An Interstate Reporting Service (IRS) has been established in association with the Professional Examination Service to facilitate the endorsement of certificates and licenses among states and provinces. Although the Board of Examiners does not insist upon the use of the Service, candidates are strongly urged to register their examination scores with the IRS in order to facilitate accurate and prompt reporting of scores when reciprocal licensure is sought.

#### V. RE-EXAMINATION

- A. PROCEDURE. Any applicant who fails the examination has the option of taking it a second time, not less than six months from the date of the Board's review of the scores, nor more than twelve months from that date. If re-examination is accomplished in this time period, no new application or application fee is required. However, a second examination fee must be paid. A candidate taking the examination a second time will receive a different form of the exam.
- B. DISCRETIONARY REQUIREMENT FOR FURTHER PREPARATION. The Board may, at its discretion, require that a failed applicant who wishes to be re-examined first provide to the Board evidence of further study, education, or other preparation designed to increase the likelihood of his/her passing the examination. If such is required, the Board will so notify the candidate.

#### VI. GENERAL INFORMATION

- A. EXAMINATION OF INDIVIDUAL APPLICANTS BY THE BOARD. At its discretion, the Board may require a candidate to meet with the Board for the purpose of an oral examination. This may be required in cases where there is a question of unethical behavior by the applicant or where there is some question concerning training or qualifications.

- B. LICENSE RENEWAL. Once granted, a license is current for the remaining fiscal year. Annual renewal is required after the first year. The Board sends each licensee a notice of renewal on September 15 requiring payment of a \$50 renewal fee within thirty days. If the fee is not received, a second notice will be sent by certified mail. If a response is not forthcoming after 30 days, the license becomes invalid. Reinstatement will be made upon fee payment at any time before the following September 15, after which time, reapplication is necessary.
- C. KEEPING INFORMATION CURRENT. Since the accurate and efficient operation of the Board is dependent upon its maintaining up-to-date information on all candidates and licensees, all applicants and licensed individuals must inform the Board immediately of any change in their position and/or address.
- D. FURTHER INFORMATION ABOUT BOARD PROCEDURES. Any individual wishing information about policies and procedures of the Board of Examiners not herein described may inquire in writing.

#### VIII. FEE SCHEDULE

APPLICATION FEE	\$125.00
EXAMINATION FEE (EPPP)	100.00
PROFESSIONAL STANDARDS EXAMINATION	25.00
LICENSE RENEWAL FEE (Annual-October)	50.00
REPLACEMENT CERTIFICATE	COST
REGISTRATION OF ASSISTANTS	NO FEE
REGISTRATION OF PROFESSIONAL CORPORATIONS	25.00

#### IX. AVAILABLE INFORMATION (upon request)

GUIDELINES FOR THE EMPLOYMENT AND SUPERVISION OF ASSISTANTS (and application forms)

GUIDELINES FOR UNLICENSED INDIVIDUALS

INSURANCE CODE OF ETHICS (developed by the Alabama Psychological Association)

RULES FOR PROFESSIONAL ASSOCIATIONS/CORPORATIONS

RULES AND REGULATIONS - ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY (\$10.00)

CURRENT ROSTER OF LICENSED PSYCHOLOGISTS IN ALABAMA (\$5.00)

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

## ALABAMA LAW

(Regular Session, 1963)

Act No. 535

S. 195—McCain, Hornsby, Clark, Roberts,  
McDow, Carter and Nichols

### AN ACT

To regulate the practice of psychologists in Alabama as herein defined; to create a Board to be known as the "Alabama Board of Examiners in Psychology"; to prescribe the duties and powers of said Board; to provide for the examination, licensure, and regulation of psychologists; to fix penalties for the violation of this act; to impose license fees and to provide for the use of funds received.

*Be It Enacted by the Legislature of Alabama:*

Section 1 There is hereby created a Board to be known as the Alabama Board of Examiners in Psychology composed of five members, appointed by the Governor of this State within sixty days after the effective date of this act, in the manner and for the term of office as hereinafter provided. Said Board shall perform such duties and have such powers as the Act prescribes and confers upon it.

Section 2 As used in this act, the following terms mean: (a) a person practices as a "Psychologist" within the meaning of this act when he holds himself out to be a Psychologist and/or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics for such purposes as psychological evaluation or for such purposes as overall personality appraisal or classification, personality counseling, psychotherapy, or personality readjustment. (b) Nothing in this definition shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electro-shock or in any way infringing upon the practice of medicine as defined in the laws of this State. The psychologist who engages in psychotherapy must establish and maintain effective intercommunication with a psychologically oriented physician, usually a psychiatrist, to make provision for the diagnosis and treatment of medical problems by a physician with an unlimited license to practice the healing arts in this State. A psychologist must not attempt to diagnose,

prescribe for, treat, or advise a client with reference to problems or complaints falling outside the boundaries of psychological practice. (c) Nothing in this definition shall be construed as preventing qualified school counselors, vocational guidance counselors, vocational rehabilitation counselors, speech and hearing therapists, speech pathologists and audiologists, reading therapists or teachers of exceptional children from rendering to the public for remuneration services for which they are qualified by training and experience involving the techniques of interviewing, administering and interpreting tests of mental abilities, achievement, interests, and aptitudes for such purposes as evaluation or for educational or vocational guidance, selection or placement.

Section 3 It is specifically prohibited that any individual or organization shall present himself or be presented to the public by any title incorporating the name "psychological", "psychologist", or "psychology" other than so licensed by this Act, except that any psychological scientist employed by a recognized research laboratory, school, college, university or governmental agency may represent himself by the academic or research title conferred upon him by the administration of such laboratory, school, college or university or governmental agency. Nothing in this section shall be construed as permitting such persons to offer their services to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries, unless they have been licensed under this Act. Visiting lecturers from recognized laboratories, schools, colleges, universities, or governmental agencies are exempt from the provisions of this section and may utilize their academic or research title when presenting lectures or performing such consultation as might be required in their academic or research functions. Students of psychology, psychological interns, and other persons preparing for the profession of psychology under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern", "psychological trainee" or others clearly indicating such training status. No individual may employ or use the title "Licensed Psychologist" or imply in any way that he is licensed by the Board unless he is actually so licensed and registered under this Act.

Section 4. There is hereby created a State Board of Examiners in Psychology hereinafter referred to as the Board to consist of five members who shall be appointed by the Governor under conditions hereinafter set forth. At least two members shall be chosen from and shall be members of the faculty, with the rank of assistant professor or above, of the accredited colleges and

universities of the State and who are licensed or qualified for licensure under the provisions of this Act, and shall be primarily engaged in teaching, research and/or administration of psychology; three members shall be licensed psychologists or qualified for such licensure under the terms of this Act.

Said Board shall perform such duties and exercise such powers as this Act prescribes and confers upon it. No member of the Board shall be liable to civil action for any act performed in good faith in the performance of his duty as set forth in this Act. Original appointments to the Board shall be for terms as follows: one practicing psychologist for term of one year, one academic psychologist or a term of two years, one practicing psychologist for a term of three years, one academic psychologist for a term of four years, and one practicing psychologist for a term of five years. Vacancies shall be filled for any unexpired term and members shall serve until their successors are appointed and have qualified.

Board members shall be ineligible for reappointments for a period of five years following completion of their terms. Within thirty days after the effective date of this Act, the Executive Committee of the Alabama Psychological Association shall submit to the Governor a list of qualified candidates for the five positions on the Board: said list shall contain names of at least four qualified academic psychologists and six qualified practicing psychologists, from which the Governor will select the Board within sixty days. Subsequent appointments to the Board shall be made by the Governor in the following manner; not later than October 1 of each year the Executive Committee of the Alabama Psychological Association shall submit to the Governor the names of two qualified candidates for the position of the Board to be vacated by reason of expiration of term of office. From the two candidates the Governor shall appoint one member not later than January 1 to serve on the Board for a term of five years. Other vacancies occurring in the Board shall be filled for the unexpired term by appointment of the Governor from two candidates for each such vacancy submitted within thirty days after the vacancy occurs by the Executive Committee of the Alabama Psychological Association. Such appointments shall be made within thirty days after the candidates' names have been submitted. If the said Association shall fail to furnish the Governor with the said list of persons eligible for appointment to the Board, the Governor shall appoint such members of the profession of psychology hereto as may seem to him to be proper. Any Board members may be removed by the Governor after notice and hearing for incompetence, neglect of duty, malfeasance in office, or moral turpitude.

Immediately and before entering public duties of said office, the members of the Board shall take the constitutional oath of office and shall file same in the office of the Governor, who upon receiving said oath of office shall issue to each member a certificate of appointment. The Board shall have available for the Governor or his representative detailed reports on proceedings and shall make annual reports in such form as required by the Governor.

The Board shall elect annually a Chairman and Vice-Chairman. Each member shall receive all necessary expenses incident to holding meetings, provided however that expenses shall in no case exceed the fees collected by said Board. The Board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the Chairman or at the written request of any two members of the Board. Said Board shall adopt a seal which must be affixed to all certificates issued by the Board. The Board shall from time to time adopt such rules and regulations as they may deem necessary for the performance of their duties. Three members of the Board shall at all times constitute a quorum. The Board shall be empowered to hire such assistants as is necessary to carry on its activities within the limit of funds available to the Board, and shall be empowered to accept grants from foundations, individuals, and institutions to carry on its functions.

Section 5 Any person wishing to obtain the right to practice as Psychologist in this state, who has not heretofore been licensed to do so, shall, before it shall be lawful for him to practice psychology in this state, make application to the Board of Examiners in Psychology through the Chairman upon such form and in such manner as shall be adopted and prescribed by the Board. Unless such a person had obtained license as foresaid, it shall be unlawful for him to practice, and if he shall practice psychology without first having obtained such a license, he shall be deemed to have violated the provisions of this Act. A candidate for such license shall furnish the Board with satisfactory evidence that (a) he is of good moral character; (b) is at least 21 years of age; (c) has received a doctorate degree from a department of , or school of psychology , from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards, (d) is competent in psychology as shown by passing such examinations, written or oral , or both , as the Board will prescribe; (e) is not engaged in unethical practice as defined in the Code of Ethics of the American Psy-

chological Association: (f) has not within the preceeding six months failed an examination given by the Board, provided that the Board may in its discretion accept satisfactory substitute training and experience in lieu of that prescribed in subsection (c) above for a period of two years following the effective date of this Act.

Section 6. If any person shall hold himself out to the public as being engaged in the practice of psychology, such as clinical, consulting, industrial, educational or counseling psychology and shall not then possess in full force and virtue a valid license to practice as Psychologist under the provision of the Act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars. Nothing in this Act shall be construed to limit the professional pursuits of teachers in recognized public and private schools, clergymen, practioners of medicine, social workers, and guidance counselors, from full performance of their professional duties. However, in such performance any title must be in accord with the provisions of this Act. Students of psychology, psychological interns or other persons preparing for the profession of psychology may perform as a part of their training the functions specified in the provisions of this Act, but only under qualified supervision. Use of psychological techniques by business and industrial organizations for employment placement, evaluation, promotion or job adjustment of their own officers or employees or by employment agencies for the evaluation of their own clients prior to recommendations for employment is also specifically allowed. However, no industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in the provisions of this Act unless such services are performed or supervised by individuals duly and appropriately licensed under this Act.

Section 7 Examination of applicants for a license to practice psychology shall be made by the Board of Examiners in Psychology at least once a year according to methods and in such subject fields as may be deemed by the Board to be the most practical and expeditious to test the applicant's qualifications. The Board shall require the examinations to be written or oral, or both, provided that in any written examination such applicant shall be designated by a number instead of his name so that his identity shall not be disclosed to the members of the Board until the examination papers have been graded. The Board shall grade the written examinations returned by the candidates and shall keep them for at least one year. A candidate shall be held to have passed the examination upon the affirmative vote of

three or more members of the Board. Any unsuccessful candidate may upon written request to the Board, see his graded paper.

Section 8 For a period of two years from the effective date of this Act the Board may waive either or both an assembled examination or the other requirements of Section 5 if it deems such action to be in the public interest; and may grant the appropriate license upon payment of the required fee to any person who is qualified by experience to practice psychology, and who has engaged in such practice of a nature satisfactory to the Board for at least three years full time or its equivalent, within three years prior to the effective date of this Act. At its discretion the board may at any time waive the assembled examination and grant the appropriate license upon payment of the required fee to any person who meets the requirements of Section 5 and who is qualified by educational and professional attainments to the satisfaction of the Board if it deems such action to be in the public interest. The Board may also at its discretion grant a certificate without an assembled examination to any person residing or employed in the State who at the time of application is licensed or certified by a similar board of another State whose standards, in the opinion of the Board, are not lower than those required by this Act, or who has been practicing psychology in another State and has qualifications not lower than those required by this Act, and is able to satisfy the Board that to grant him a license would be in the public interest, or who has been certified by the American Board of Examiners in Professional Psychology.

Section 9 The Board of Examiners in Psychology may refuse to grant a certificate, or may recommend suspension of any such license for a definite period not to exceed one year, on the following grounds; to wit: the employment of fraud or deception in applying for a license or in passing the examination provided for in this Act; conviction of felony; the practice of psychology under a false or assumed name or the impersonation of another practitioner of a like or different name; habitual infemperance in the use of spirits, narcotics, or stimulants to such an extent as to incapacitate for the performance of his duties; violation of the medical practices act; upon recommendation of the Ethics Committee of the Alabama Psychological Association or of the American Psychological Association; or negligence or wrongful actions in the performance of his duties. Said Board may, upon satisfactory proof that any applicant or licentiate has been guilty of any of the above offenses, refuse to grant a certificate to said applicant or may recommend revocation of a license of said licentiate upon a vote of at least three members of the Board. After three years from the date of a revocation, an application

for reinstatement be made to the Board, and it may, upon favorable action by three of its members, recommend such reinstatement.

Section 10 The Board may not recommend suspension or revocation of licensure or refuse to issue or to renew any certificate for any cause listed in Section 9, unless the person accused has been given at least twenty days notice in writing of the charge against him and a public hearing by the Board. The written notice shall be mailed to the person's last known address, but the non-appearance of the person shall not prevent such a hearing. Upon such a hearing the Board may administer oath and procure by its subpoenas the attendance of witness and the production of relevant books and papers.

Section 11 Any action of, or ruling or order made or entered by the Board declining to issue a certificate, declining to recommend licensure or recommending suspension or revocation of a certificate or license shall be subject to review by the Courts of this State in the same manner, and subject to the same powers and conditions as now provided by law in regard to rulings, orders and findings of other quasi-judicial bodies in Alabama, where not otherwise specifically provided. No such appeal while pending appropriate court action shall supercede such revocation or suspension.

Section 12 There shall be paid to the Board chairman by each applicant for a permanent license fee of \$125.00. No part of any fee shall be returnable under any circumstances other than failure of the Board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees as outlined in Section 13 of this Act, and all gifts or grants shall be deposited in the State Treasury to the credit of the Board. There is hereby appropriated from the funds to the credit of said Board to be used for printing, travel expense of the Board and for other necessary expenses such sums as are necessary to carrying out the provisions of this Act. Vouchers in payment of expenses shall be drawn on the State Comptroller signed by the Chairman of the Board.

Section 13 The Board of Examiners in Psychology shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. Said Board shall be the sole agency in this State empowered to certify concerning competence in the practice of psychology and the sole board empowered to recommend licensure for the practice of psychology. No individual shall be issued a license for the practice of psychology who has not been previously certified by the Board of Examiners in Psychology. The Board of Examiners in Psychology

shall certify as competent to practice psychology all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this Act and the rules and regulations of the Board. Such certification shall be signed by the chairman of the Board of Examiners in Psychology under the Board's adopted seal. It shall be the duty of the Board chairman under the direction of the Board to aid the solicitors in the enforcement of this Act and the prosecutions of all persons charged with the violation of its provisions. Psychologists licensed by the Board shall be required to submit annually a completed registration fee of \$50.00 to the Board after the first year. The list of registered psychologists shall be made available to interested individuals or organizations at a nominal charge.

Section 14 For the purpose of this Act, the confidential relations and communications between licensed Psychologist and client are placed upon the same basis as those provided by law between attorney and client, and nothing in this Act shall be construed to require any such privileged communication to be disclosed.

Section 15 The Board of Examiners shall adopt the Code of Ethics of the American Psychological Association to govern appropriate practices or behavior as referred to in Section 9 and Section 10 and shall file such code with the Secretary of State within 30 days prior to effective date of such Code.

Section 16 Each and every provision and section of this Act shall be construed as severable from each other provision and section of the Act, and the unconstitutionality of any part of this Act shall not invalidate any other part thereof, the Legislature hereby expressly declaring that this Act would have been passed with any such unconstitutional provision elided therefrom.

Section 17 This Act shall take effect on October 1, 1963.

Approved September 16, 1963.

Time: 10:40 A. M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 18 day of September, 1963.

McDOWELL LEE,  
Secretary of Senate.

## PSYCHOLOGISTS

Note: Section 32, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

Sec. 32. ORS 675.010, 675.020, 675.030, 675.040, 675.050, 675.063, 675.065, 675.070, 675.085, 675.090, 675.100, 675.110, 675.130, 675.140, 675.150 and 675.990 relating to psychologists are repealed.

## (Generally)

**675.010 Definitions for ORS 675.010 to 675.150.** As used in ORS 675.010 to 675.150, unless the context requires otherwise:

(1) "Accredited college or university" means any college or university offering a full-time resident graduate program of study in psychology leading to the doctoral degree or a comparable program as determined by the board.

(2) "Board" means the State Board of Psychologist Examiners.

(3) "Licensed psychologist" means a person licensed to practice psychology under the provisions of ORS 675.010 to 675.150.

(4) "Practice of psychology" means the rendering or offering to render to individuals, groups, organizations or the public any psychological service while representing oneself to be a psychologist, involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationship; and the methods and procedures of interviewing, counseling, psychotherapy and hypnosis; of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions and motivation. The application of such principles and methods includes, but is not limited to, the diagnosis, prevention, treatment and amelioration of psychological problems and emotional and mental disorders of individuals and groups. Also, the offering for a fee of teaching, consultation, psychotherapy, psychodiagnostic and research services in relation to the use or development of psychological principles of such services.

(5) "State" means any state or territory of the United States and the District of Columbia. [1963 c.396 §1; 1973 c.777 §1; 1981 c.892 §96]

**675.020 Representation as psychologist prohibited without licensing; use of business name or designation.** (1) To safeguard the people of the State of Oregon from the dangers of unqualified and improper practice of psychology, no person shall, unless exempted

from the provisions of ORS 675.010 to 675.150 by ORS 675.090, represent himself to be a psychologist without first being licensed as required in ORS 675.010 to 675.150.

(2) A person represents himself to be a psychologist when he holds himself out to the public by or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import, "psychometry," "psychometrics," "psychometrist," "psychotherapy," "psychotherapist," "psychoanalysis," "psychoanalyst," or variants thereof or when he holds himself out to be trained, experienced or an expert in the field of psychology.

(3) A psychologist licensed under ORS 675.010 to 675.150 shall practice under his name only, but nothing in ORS 675.010 to 675.150 or rules adopted thereunder shall be deemed to prevent a licensed psychologist from using an assumed business name or other designation to describe a place, institution, organization or agency where or in connection with which he conducts his practice. [1963 c.396 §2; 1971 c.362 §1; 1973 c.777 §2]

## (Licensing)

**675.030 Licensing of psychologists after examination.** Upon application therefor accompanied by the fee established by the board, the board shall issue a psychologist license to any applicant who performs to the satisfaction of the board in the written and oral examination prescribed by the board and furnishes evidence satisfactory to the board that he:

(1) Is of good moral character;

(2) Has complied with all applicable provisions of ORS 675.010 to 675.150 and the applicable rules of the board;

(3) Holds a doctoral degree in psychology or a doctoral degree considered equivalent by the board, such degree or training having been obtained from an accredited college or university approved by the board and

(4) Has had two years of supervised employment under the direction of a psychologist licensed in Oregon or under the direction of a person considered by the board to have equivalent supervisory competence. [1963 c.396 §3; 1973 c.777 §3]

**675.040 Examinations for licensing.**

(1) Examinations for applicants for licenses under ORS 675.010 to 675.150 shall be held not less frequently than once every year at such

times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

(2) Any applicant may, upon written request to the board, discuss his performance on the examination with the board.

(3) Any applicant who fails to make a passing grade on the examination shall be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again. [1963 c.396 §4; 1973 c.777 §6]

**675.050 Licensing without examination.** Upon application therefor accompanied by the fee established by the board, the board may issue a license, without written or oral examination, to any applicant who furnishes evidence satisfactory to the board that he:

(1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and is licensed or certified to practice psychology in another state in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to licensing requirements of ORS 675.010 to 675.150 and the rules of the board; or

(2) Is a diplomate in good standing of the American Board of Professional Psychology. [1963 c.396 §5; 1973 c.777 §7]

675.060 [1963 c.396 §7; 1967 c.470 §63; repealed by 1973 c.777 §21]

**675.063 Limited permit to practice as psychologist; duration.** Upon application therefor and payment of the required fee, the board may issue a limited permit to practice as a psychologist to an applicant holding a certificate or license to practice psychology issued by another state and whose requirements are, in the judgment of the board, essentially equivalent to those required by ORS 675.010 to 675.150. The limited permit shall be valid for a period of not more than 30 calendar days in any six months' period. [1973 c.777 §15]

**675.065 Psychologist associates' licensing procedure.** (1) On and after January 1, 1974, psychologist associate licenses shall be issued to applicants who meet requirements of this section, do not possess a doctoral degree, and are deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions shall be specified on the psychologist associate license issued by the board and may include but

are not restricted to such functions as administering tests of mental abilities, conducting personality assessment, counseling, including educational and vocational planning.

(2) The applicant shall pay to the board the application fee for a license in a single area of qualification. An additional fee shall be submitted for amendment of the license to include each additional area of qualification.

(3) Upon petition by a psychology associate, the board may grant authority to function without immediate supervision.

(4) Upon application therefor accompanied by the fee established by the board, the board shall issue a psychologist associate license to any applicant who performs to the satisfaction of the board in the written and oral examination prescribed by the board that he:

(a) Is of good moral character;

(b) Has complied with all the applicable provisions of ORS 675.010 to 675.150;

(c) Has received a master's degree in psychology, or a degree considered equivalent thereto by the board, from an accredited college or university approved by the board;

(d) Has completed an internship in an approved educational institution or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a psychologist licensed in Oregon, or under the direction of a person considered by the board to have equivalent supervisory competence; and

(e) Furnishes proof acceptable to the board of at least 36 months, exclusive of internship, of full-time experience satisfactory to the board under the direct supervision of a licensed psychologist in Oregon, or under the direct supervision of a person considered by the board to have equivalent supervisory competence. [1973 c.777 §5]

**675.070 Denial, suspension or revocation of license or refusal to renew license.**

(1) The board may deny a license to any applicant, may refuse to renew the license of any psychologist, or may suspend, for a period of not less than one year, or revoke the license of any psychologist who, in the judgment of the board:

(a) Is habitually drunk;

(b) Is addicted to the use of controlled substances;

(c) Has been convicted of violation of any law relating to controlled substances;

(d) Has been convicted of any felony or of any misdemeanor involving moral turpitude;

(e) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psychology;

(f) Is mentally or emotionally unfit to practice psychology;

(g) Has practiced or attempted to practice medicine without being licensed to do so;

(h) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or material misrepresentation;

(i) Has impersonated a licensed psychologist or has allowed another person to use the license of the psychologist; or

(j) Has violated any provision of ORS 675.010 to 675.150 or any provision of the code of professional conduct formulated under ORS 675.110 (10).

(2) In case of any conviction required under subsection (1) of this section as grounds for denial, refusal, suspension, or revocation, a certified copy of the record of the conviction shall be conclusive evidence.

(3) The board may license an applicant or renew or restore any license suspended or revoked under paragraph (f) of subsection (1) of this section whenever the board determines that the applicant or former licensed psychologist is no longer mentally or emotionally unfit to practice psychology. [1963 c.396 §8; 1973 c.777 §10; 1979 c.744 §49]

675.080 [1963 c.396 §9; repealed by 1971 c.734 §21]

**675.085 Disciplinary procedure.** (1) Where the board proposes to refuse to issue or renew a license or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550. The board shall render its decision within 30 days after the hearing.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.550. [1971 c.734 §117; 1973 c.777 §11]

**675.090 Application of ORS 675.010 to 675.150.** ORS 675.010 to 675.150 does not apply to:

(1) Any person teaching, lecturing or engaging in research in psychology but only in so far as such activities are performed as part of an academic position in a college or university.

(2) Any person who has received a doctoral degree in sociology or social psychology from an accredited college or university and uses the title "social psychologist" provided that such person files a statement of his use of that title with the

board and complies with subsection (9) of this section.

(3) Any person who holds a valid school psychologist credential from the State Board of Education but only when such person is practicing psychology in the course of his employment and complies with subsection (9) of this section.

(4) Any person licensed to practice one or more of the other healing arts in the State of Oregon so long as he does not hold himself out to the public through use of either of the specific terms of "psychologist" or "psychometrist."

(5) Psychological activities and services by a person employed by a local, state or federal governmental agency in so far as such activities and services are a part of his employment and are performed within the confines of the employing agency provided that the person complies with subsection (9) of this section.

(6) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facility recognized by the board and providing that no fee is paid directly to the student, intern or resident and that the person is designated by the title "psychological intern," "psychological trainee," "psychology student," or some other title which clearly indicates his training status.

(7) Any person engaged in psychological activities and employed by an Oregon nonprofit corporation whose primary purpose or function involves education or scientific research and which holds a valid exemption from federal income taxes under section 501 (c) (3) of the Internal Revenue Code of 1954.

(8) Qualified members of other legally recognized professions such as lawyers, dentists, optometrists, social workers, nurses or clergymen when engaging in psychological activities or services incidental to their profession who comply with subsection (9) of this section.

(9) Persons described in subsections (2), (3), (5) and (8) of this section shall not represent or hold themselves out to the public outside their professional work setting by any title or description of activities used in ORS 675.020 (2) nor shall they hold themselves out to be trained, experienced or expert in psychology. [1963 c.396 §10; 1971 c.362 §2; 1973 c.777 §8]

## (State Board)

**675.100 State Board of Psychologist Examiners; confirmation; oath; compensation and expenses.** (1) There hereby is created a State Board of Psychologist Examiners consisting of seven members appointed by the Governor. Five of the members shall be residents of Oregon, have doctoral degrees with primary emphasis in psychology and shall be licensed under ORS 675.010 to 675.150. Two members shall be residents of Oregon and shall serve as public members.

(2) The term of office of a board member shall be three years, but the members shall serve at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor to assume his duties on July 1 next following. A member shall be eligible for one consecutive reappointment only. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(4) Before entering upon the duties of his office, each board member shall subscribe to an oath that he will faithfully and impartially discharge the duties of his office and that he will support the Constitution of the United States and the Constitution of this state. The oath shall be filed with the Secretary of State.

(5) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1963 c.336 §11; 1969 c.314 §77; 1973 c.777 §9a; 1973 c.792 §32]

**675.110 Power of board; fees.** The board shall have the following powers, in addition to the powers otherwise granted under ORS 675.010 to 675.150, and shall have all powers necessary or proper to carry the granted powers into effect:

(1) To determine qualifications of applicants to practice psychology in this state; to cause to have examinations prepared, conducted and graded and to grant licensing to qualified applicants upon their compliance with the provisions of ORS 675.010 to 675.150 and the rules of the board.

(2) To grant or deny annual renewal of licenses, and to renew licenses which have lapsed for nonpayment of the renewal fee, subject to the provisions of ORS 675.010 to 675.150.

(3) To suspend or revoke licenses, subject to ORS 675.010 to 675.150.

(4) To restore licenses which have been suspended or revoked or voided by nonpayment of the renewal fee.

(5)(a) To establish and collect annual fees for application, examination and licensing of applicants, for renewal of licenses, and for issuance of limited permits, such fees to be used to defray the expenses of the board as provided in ORS 675.140.

(b) The board may impose a delinquent renewal fee for licenses renewed after January 1 but before February 1.

(6) To investigate alleged violations of ORS 675.010 to 675.150.

(7) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affirmations to witnesses, conduct hearings, require the production of relevant documents in all proceedings pertaining to the duties and powers of the board.

(8) To enforce ORS 675.010 to 675.150 and to exercise general supervision over the practice of psychology in this state.

(9) To adopt a common seal.

(10) To formulate a code of professional conduct for the practice of psychology giving particular consideration to the Ethical Standards of Psychologists promulgated by the American Psychological Association.

(11) To establish standards of service and training and educational qualifications for the rendering of ethical psychological services in this state, including the formulation of standards for the issuance of licenses for areas of special competence.

(12) To formulate and enforce continuing education requirements for duly licensed psychologists to ensure the highest quality of professional services to the public.

(13) Subject to the applicable provisions of ORS 183.310 to 183.550, to make reasonable rules to carry out the provisions of ORS 675.010 to 675.150. [1963 c.396 §12; 1973 c.39 §1; 1973 c.777 §12; 1983 c.289 §1]

**675.115 How fees determined.** Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under ORS 675.110 shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as

modified by the Emergency Board or future sessions of the Legislative Assembly. [1983 c.289 §2]

Note: 675.115 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 675 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

675.120 [1963 c.396 §13; repealed by 1973 c.777 §21]

**675.130 Officers; quorum; meetings; records; executive secretary.** (1) The board shall select one of its members as chairman, and another as vice chairman, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the board shall determine.

(2) A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once a year at a place, day and hour determined by the board. The board shall also meet at such other times and places as are specified by the call of the chairman, or of a majority of the members of the board or of the Governor.

(4) The board shall maintain records of all of its proceedings under ORS 675.010 to 675.150.

(5) The board shall maintain a register of all living psychologists licensed under ORS 675.010 to 675.150, showing their names, their last-known business addresses, their last-known residential addresses, and the dates and numbers of their licenses.

(6) The board may appoint an executive secretary who shall not be a member of the board. The board shall fix the compensation for the executive secretary. [1963 c.396 §14; 1973 c.777 §14; 1983 c.740 §249]

**675.140 State Board of Psychologist Examiners Account; appropriation.** On or before the 10th day of each month, the board shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the State Board of Psychologist Examiners Account. The moneys in the State Board of Psychologist Examiners Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing ORS 675.010 to 675.150. [1963 c.396 §15; 1967 c.637 §28; 1973 c.777 §17]

**675.150 Enforcement procedures.** The board may institute and commence injunction proceedings in any circuit court in Oregon to enjoin the unlawful practice of psychology. In any such proceeding it shall not be necessary to show that any person is individually injured by

the actions complained of. If the person complained of is found by the court to have unlawfully engaged in practice of psychology, the court may enjoin him from so practicing. Procedure in such cases shall be the same as any other injunction suit. The remedy by injunction hereby given is in addition to criminal prosecution and punishment. [1973 c.777 §13]

## OCCUPATIONAL THERAPISTS (Generally)

Note: Section 9, chapter 685, Oregon Laws 1983, provides:

Sec. 9. ORS 675.210, 675.220, 675.230, 675.240, 675.250, 675.260, 675.270, 675.280, 675.290, 675.300, 675.310, 675.320, 675.330 and 675.340 are repealed effective June 30, 1994.

**675.210 Definitions for ORS 675.210 to 675.340.** As used in ORS 675.210 to 675.340, unless the context requires otherwise:

(1) "Board" means the Occupational Therapy Licensing Board.

(2) "Occupational therapist" means a person licensed to practice occupational therapy under ORS 675.210 to 675.340.

(3) "Occupational therapy" means the analysis and use of purposeful activity with individuals who are limited by physical injury or illness, developmental or learning disabilities, psychosocial dysfunctions or the aging process in order to maximize independence, prevent disability and maintain health. The practice of occupational therapy encompasses evaluation, treatment and consultation. Specific occupational therapy services includes but is not limited to: Activities of daily living (ADL); perceptual motor and sensory integrated activity; development of work and leisure skills; the design, fabrication or application of selected orthotic or prosthetic devices; the use of specifically designed crafts; guidance in the selection and use of adaptive equipment; exercises to enhance functional performance; prevocational evaluation and training; performing and interpreting manual muscle and range of motion test; and appraisal and adaptation of environments for the handicapped. The services are provided individually, in groups, or through social systems.

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of, or with the consultation of, an occupational therapist.

(5) "Person" means any individual, partnership, unincorporated association or corporate body, except only an individual may be licensed under ORS 675.210 to 675.340. [1977 c.858 §1; 1981 c.250 §1]

**675.220 Representation as occupational therapist or therapy assistant prohibited without licensing; exception.** (1) No person shall practice occupational therapy or purport to be an occupational therapist or occupational therapy assistant, or as being able to practice occupational therapy, or to render occupational therapy services, or use the abbreviations designated by the board under ORS 675.320 unless the person is licensed in accordance with ORS 675.210 to 675.340.

(2) ORS 675.210 to 675.340 does not apply to:

(a) Employment as an occupational therapist or occupational therapy assistant in an institution or an agency of the Federal Government.

(b) Persons licensed under any other law of this state to do any acts included in the definition of occupational therapy in ORS 675.210 or persons working under the direction of any such person.

(c) The practice of occupational therapy which is incidental to the planned program of study for students enrolled in an occupational therapist or occupational therapy assistant program approved by the board. [1977 c.858 §§2, 3; 1981 c.250 §2]

#### (Licensing)

**675.230 Application for licensing.** Any person desiring to be licensed as an occupational therapist or occupational therapy assistant shall apply in writing to the board, upon such form and in such manner as shall be provided for by the board. Each application shall include or be accompanied by evidence, under oath or affirmation satisfactory to the board, that the applicant possesses the qualifications prescribed in ORS 675.240 for applicants for licensing as an occupational therapist, or in ORS 675.250 for applicants for licensing as an occupational therapy assistant. [1977 c.858 §4]

**675.240 Qualifications for licensing as occupational therapist.** (1) Except as provided in subsection (2) of this section or in ORS 675.270, each applicant for licensure under ORS 675.210 to 675.340 as an occupational therapist shall:

(a) Have successfully completed an educational program in occupational therapy recognized by the board, with concentration in biological or physical science, psychology and sociology, and with education in selected manual skills.

(b) Pass to the satisfaction of the board an examination conducted or adopted by the board to determine the fitness of the applicant for practice as an occupational therapist or be entitled to be licensed as provided in ORS 675.270.

(c) Have successfully completed at least six months of supervised field work that complies with rules adopted by the board.

(2) An applicant who has practiced as an occupational therapy assistant for four years, with a minimum of six months of supervised field experience, may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapist made otherwise applicable under subsection (1) of this section. [1977 c.858 §5; 1981 c.250 §3]

**675.250 Qualifications for licensing as occupational therapy assistant.** Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to 675.340 as an occupational therapy assistant shall:

(1) Be at least 18 years of age.

(2) Have successfully completed the academic requirements of an educational program for occupational therapy assistants recognized by the board.

(3) Pass an examination conducted or approved by the board to determine the fitness of the applicant for practice as an occupational therapy assistant.

(4) Have successfully completed at least two months of supervised field work that complies with rules adopted by the board. [1977 c.858 §6; 1981 c.250 §4]

**675.260 Examinations for licensing; fee.** (1) Unless entitled to licensing as provided for in ORS 675.270, each applicant for licensing as an occupational therapist or occupational therapy assistant shall include in the application a request for examination. Each applicant who requests an examination shall pay to the board at the time of filing the application a fee not to exceed \$100.

(2) The board shall examine applicants for licensing as occupational therapist or occupational therapy assistant at such times or places as it may determine, but at least semiannually.

(3) Such application shall be made in writing at least 30 days prior to the announced date of

1

**OREGON ADMINISTRATIVE RULES**  
**CHAPTER 858, DIVISION 10 — BOARD OF PSYCHOLOGIST EXAMINERS**

**DIVISION 10**

**PROCEDURAL RULES**

[ED. NOTE: Administrative Order PE 6 repealed previous rules 858-10-005 through 858-10-060 filed as Administrative Orders PE 1, 2, 3, 4, and 5.]

**Board Duties and Procedure**

**858-10-005** (1) Board Meetings. The State Board of Psychologist Examiners shall meet insofar as possible on the first Tuesday of each month at a time and place specified by the Board and at such other times and places as specified on call of the Chair of the Board, a majority of members of the Board, or of the Governor. Notice of time and place of regularly scheduled, special, and emergency meetings shall be given by notification to the Associated Press and United Press International.

(2) Quorum Required. A majority of the Board constitutes a quorum for the transaction of business. A majority of members present at a meeting must concur upon any official business transacted by the Board at the meeting.

(3) Internal Organization. At the first meeting beginning each fiscal year, organizational matters, including standing responsibilities assigned to Board members, shall be the first order of business. The terms of the previous Chair and Vice-Chair and all other positions of standing assigned responsibility will expire at this time. However, a Chair or Vice-Chair or any standing assigned responsibility can be changed or replaced by a majority of the members at any meeting where the proposal has been placed on the agenda and sent to the members two weeks in advance of the meeting, or by unanimous consent of members at any meeting.

(4) Chair's Responsibilities. The Chair will sort out matters into two classes: decisions required to be made by the Board, and administrative actions which the Chair intends to carry out. Both of these shall be presented for the Board's review at the next meeting. The Chair is authorized to take emergency action between Board meetings, subject to ratification by the Board. However, in the case of actions significant enough to normally require Board decisions, the Chair shall first attempt to get authorization for such decision from the Board members through telephone communication. All emergency actions of any kind shall be noted in the agenda for the next meeting and shall become the first order of business at that next meeting.

The Vice-Chair shall officiate in lieu of the Chair when the Chair is unable to perform the required duties.

(5) Board Communications. Only the Board Chair shall write other than routine or form letters in the name of the Board unless members are specifically authorized in a Board meeting to do so. Such letters should be typed by the Board Secretary and copies appropriately filed. The full Board should approve in advance any correspondence which may materially affect Board policies and procedures. When a delay might render the Board's functioning ineffective, the Chair, may be required to take immediate action which shall be reviewed at the next meeting of the Board.

(6) Board Files. All Board files shall be assembled in the Board's official office. The Board Secretary shall maintain the Board's files under the direction of the Chair. The Board Secretary shall maintain a master record of any files which are checked out of the Board office by Board members. The Board Secretary shall be notified whenever any Board file is transferred from the possession of one person to another, and shall so note in the Board's records. Individuals who have in their possession documents or files pertaining to Board affairs are responsible for their protection and privacy.

(7) Minutes and Agendas. The minutes of a meeting shall be distributed to all Board members at least one week in advance of the next meeting.

The agenda shall be prepared by the Board Chair and distributed to all Board members at least one week before each meeting. The agenda items shall include reports by the Board Secretary, the Chair, (and each Board member who has received a specific assignment at the previous meeting or has a report to make regarding standing assignments. If there is insufficient time to inform the Board Chair), the Board Secretary may make additional scheduling at the direct request of Board members. The Board may, at its discretion, revise the agenda or limit it to a particular topic under special circumstances. Undiscussed reports may be added to the typed minutes of any meeting.

(8) The Attorney General's Model Rules of Procedure under the Administrative Procedure Act, printed and promulgated by the Attorney General, effective November 17, 1981, shall be the rules of procedure before the Board under ORS 183.310 to 183.500.

Stat. Auth.: ORS Ch. 183

Hist: PE 6, f. 12-19-73, ef. 1-11-74; PE 8, f. 12-5-74, ef. 12-25-74; PE 12, f. & ef. 3-5-76; PE 13, f. & ef. 9-15-76; PE 1-1979, f. & ef. 9-5-79; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82

**Notice of Proposed Rule**

**858-10-007** Prior to the adoption, amendment, or repeal of any rule, the Board of Psychologist Examiners shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360, at least fifteen (15) days prior to the effective date.

(2) By mailing a copy of the notice to persons on the Board's mailing list established pursuant to ORS 183.335(6).

(3) By mailing a copy of the notice to the following persons, organizations, or publications:

- (a) United Press International and Associated Press;
- (b) All licensees of the Board;
- (c) Oregon Psychological Association;
- (d) Oregon Academy of Professional Psychology.

Prior to the adoption, amendment, or repeal of any rule of the Board relating to continuing education, the Board shall additionally mail a copy of the notice to the State Board of Higher Education.

Stat. Auth.: ORS Ch. 183

Hist: PE 13, f. & ef. 9-15-76

**Procedure for License Applications**

**858-10-010** (1) Filing of Applications. All inquiries regarding application for licensure as a Psychologist and licensure as a Psychologist Associate shall be directed to the Board Secretary. Upon receipt of a completed application form, accompanied by the application fee established by the Board, the Board Secretary shall:

- (a) Forward the application fee to the Health Division;
- (b) Mail letters requesting references and documentation of supervision;
- (c) Mail reciprocity of ABPP confirmation letters when required; and
- (d) File transcripts when received.

(2) Review Procedure. When all of the application materials listed in section (1) of this rule have been received, the Board Secretary shall deliver the file to the Board member currently responsible for review of applications. The Board member who reviews the file shall either:

- (a) Find the application acceptable;
- (b) Find the application not acceptable; or
- (c) Bring the application to the full Board for review and determination of disposition.