



**AMERICAN
PSYCHOLOGICAL
ASSOCIATION**

American Psychological Association Model Act for State Licensure of Psychology Professionals

ADOPTED BY COUNCIL AS APA POLICY ON [INSERT DATE]

As APA policy, the Model Act for State Licensure of Psychology Professionals, referred to as the Act, serves as a prototype for drafting state legislation regulating the practice of psychology. State legislatures are encouraged to use the language of this document and the policies that it espouses as the model for their own state licensure laws. State licensing boards develop their own rules and regulations to implement the legislation proposed here. This document also serves to inform legislatures about psychology education, training and practice and to synthesize APA policies that bear on the education, training, and practice of professional psychology.

As the field continues to grow and evolve, the Act is updated accordingly. Since the last revision in 2010 (American Psychological Association, 2011), there have been advances in digital therapeutics which psychologists may order, interjurisdictional practice, and the incorporation of master's level professionals in fields within health service psychology, all of which this revised Act addresses. This is the sixth set of guidelines for state legislation regulating the practice of psychology that has been developed by the American Psychological Association (APA). The first model for such regulation was developed and adopted as APA policy in 1955 (APA, 1955).

In 2021, APA approved policies for the Standards of Accreditation for master's programs in health service psychology, and the Commission on Accreditation (CoA) began accrediting master's degree psychology programs in 2024. In order to build consistency across the broad profession of psychology, training programs, and jurisdictions, the Act addresses both doctoral guidelines for state legislation and now master's guidelines in one unified Act.

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

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A. DECLARATION OF POLICY

This section declares that the intent of legislation for state licensure of psychology professionals is to ensure the practice of psychology is regulated in the public interest. The public should be assured that psychological healthcare services including forensic psychology services that require health service psychology training and mental health expertise will be provided by licensed and qualified professionals according to the provisions of this Act. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology.

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The discipline of psychology is unique in that it encompasses a variety of psychology professionals who attend to a broad swath of societal needs but who do not provide psychological healthcare services or health service psychology. These services may include development of technologies, organizational consulting, and conflict and peace psychology among others. This Act maintains that licensure requirements be reserved for psychology professionals educated in clinical, counseling, school psychology or a combination thereof who provide health service psychology as described in this Act.

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

B. DEFINITIONS

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

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

Psychological services should be described adequately and specified in order to identify clearly the areas of psychological services, provided to individuals, groups of individuals, or organizations, that require licensure to ensure qualified and sound professional psychology practice. All such activities must operate according to current appropriate Ethical Standards of the APA Ethical Principles of Psychologists and Code of Conduct known as the APA Ethics Code and Board regulations.

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1. “Board” means the (name of state) State Psychology Board.
2. “Institution of higher education” means any regionally accredited institution of higher education in the United States, including a professional school, that offers a full-time graduate course of study in psychology that is acceptable to the Board. For Canadian universities, it means an institution of higher education that is provincially or territorially chartered.
3. “Assessment” is a broad term used by many professions to connote the act of evaluating an individual or situation in order to generate an understanding that would inform decision-making.
 - a. “Psychological Assessment” is a discipline specific term referring to the structured process of identifying and integrating relevant information from multiple sources about individuals, groups, or organizations using psychological knowledge and methods for the purposes of informing decisions and recommendations.
 - b. “Psychological Testing” is defined as any procedure that involves the application of tests with standardized administration, scoring procedures and standard interpretive guidelines designed to reliably and validly measure and describe specific psychological attributes of an individual including but not limited to intelligence, personality, cognitive abilities, emotional functioning, interests, skills and aptitudes.
 - c. “Psychological Evaluation” refers to an examination of one or more psychological domains or systems by gathering information from different sources and typically but not always involving psychological testing. The analysis and integration of this data with psychological science and knowledge in a contextual manner

result in the production of a synthesized account of the findings to offer a professional opinion that may include but is not limited to a written report. Evaluation data may be gathered through interviews, interactions with the individual, observation, collateral information, analysis of processes, standardized tests, self-report measures, physiological or psychophysiological measurement devices, or other specialized procedures and apparatuses. Neuropsychological, clinical, forensic, and child custody evaluations are all considered subsets of “psychological evaluations.”

4. The terms “patient” and “client” are used interchangeably to refer to the direct recipient of psychological healthcare services provided by licensed psychology professionals. The recipient may be a child, adolescent, adult, couple, family, or group. The terms are also used to refer to direct recipients of psychological services that are not treatment-related; recipients may be individuals, groups, organizations, or communities. In some circumstances (e.g., an evaluation that is court-ordered, requested by an attorney, an agency, or other administrative body), the client may be the retaining party and not the examinee.
5. “Licensed Psychologist” refers to psychology professionals who hold doctoral degrees in a field within health service psychology and possess a license as a Psychologist in accordance with the requirements as described in state laws and regulations.
6. “Provisional Licensed Psychologist” refers to psychology professionals who have earned doctoral degrees in a field within health service psychology and are providing psychological services under supervision during their completion of post-degree requirements for licensure.
7. “Licensed Practitioner of Psychology” refers to psychology professionals who hold master’s degrees in a field within health service psychology and possess a license as a Practitioner of Psychology in accordance with the requirements as described in state laws and regulations.
8. “Provisional Licensed Practitioner of Psychology” refers to psychology professionals who have earned master’s degrees in a field within health service psychology and are providing psychological services under supervision during their completion of post-degree requirements for licensure.
9. “Practice of psychology” is defined as the delivery of services involving the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purposes of assessing, evaluating, diagnosing, preventing, or treating behavioral or emotional health or impairment. The practice of psychology is grounded in a scientific orientation toward psychological knowledge and methods. For the purposes of this Act, the practice of psychology addresses health service psychology, which encompasses but is not limited to a wide range of professional activities relevant to health promotion, prevention, consultation, assessment and treatment for psychological and other health-related disorders or concerns. Clinical, counseling and school psychology (and combinations thereof) are considered training fields within health service psychology.
 - a. The “Practice of psychology for Licensed Psychologists and Provisionally Licensed Psychologists” includes, but is not limited to:
 - (1) Diagnosis, treatment and management of mental and emotional disorders, mental, developmental, or intellectual disability, substance use disorders, disorders of behavior or conduct, as well as of the psychological aspects of physical illness, accident, injury, disability or chronic health conditions;
 - (2) Provision of evidence-based therapeutic interventions, including but not limited to psychotherapy (e.g., CBT, DBT, ACT), psychoanalysis, hypnosis, biofeedback and the authority to order and/or

use emerging interventions (e.g., digital therapeutics and digital tools), and behavior analysis for individuals, families, and/or groups to improve mental health and wellness;

- (3) Provision of psychological screening, interviewing, testing, and assessment for the purposes of diagnosing mental and emotional disorders, mental/ developmental/ intellectual disability, substance use disorders, disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, disability, or chronic health conditions; risk assessment, treatment planning, intervention and outcome management;
- (4) Evidence based assessment and comprehensive psychological evaluation including psychoeducational, cognitive, psychodiagnostics, intelligence, achievement, vocational, and aptitude testing; integrating knowledge of emotional abilities, skills, interests; as well as comprehensive specialty and subspecialty assessments and consultations such as neuropsychological evaluations, forensic assessments, child custody and parental fitness evaluations, medical capacity evaluations, medical pre-surgical evaluations (transplant surgery, bariatric surgery, neurostimulator implantation surgery), acute medical specialty consultations (inpatient medical hospital, sleep medicine), projective testing, and public safety employment evaluations such as fitness for duty;
- (5) Provision of psychoeducational evaluation, planning, therapy, and remediation services;
- (6) Consultation and collaboration with other health service professionals including physicians and nurses, as well as with patients, regarding treatment options including discussions about medications and planning with respect to the provision of care for a patient, family or group;
- (7) Evaluation, assessment, consultation or treatment of individuals in anticipation of, in conjunction with or after legal, contractual, or administrative proceedings; and
- (8) The supervision of any of the above.
- (9) The ability to refer to oneself using the title "Doctor" or "Dr." provided that use of the title is not misleading to the public.

b. The "Practice of psychology for Licensed Practitioners of Psychology and Provisional Licensed Practitioners of Psychology" includes:

- (1) Diagnosis, treatment, and management of mental and emotional disorders, mental, developmental, or intellectual disability, substance use disorders, disorders of behavior or conduct, as well as of the psychological aspects of physical illness, accident, injury, disability, or chronic health conditions;
- (2) Provision of evidence-based therapeutic interventions, including, psychotherapy (e.g., CBT, DBT, ACT), hypnosis, biofeedback and the ability to order and/or use emerging interventions (i.e., digital therapeutics and digital tools), and behavior analysis for individuals, families, and/or groups to improve mental health and wellness;
- (3) Except as provided in subsection (8) below, the provision of psychological screening, interviewing, testing, and assessment for the purposes of diagnosing mental and emotional disorders, mental/ developmental/ intellectual disability, substance use disorders, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, disability, or chronic health conditions; risk assessment; treatment planning, intervention and outcome management;

- (4) *Evidence-based assessment consistent with training including psychoeducational, cognitive, psychodiagnostic, intelligence, achievement, vocational and aptitude testing;*
- (5) *Provision of psychoeducational evaluation, planning, therapy, and remediation services;*
- (6) *Consultation and collaboration with other health service professionals in which the focus is on patient/family diagnoses and treatment planning;*
- (7) *Supervision of Provisionally Licensed Practitioners of Psychology after becoming independently licensed and providing documentation of coursework and training in supervision to demonstrate competency and being in good standing with the psychology regulatory board;*
- (8) *Exclusions to practice areas include, comprehensive specialty and subspecialty assessment and consultations, which require advanced psychology doctoral or postdoctoral education and training, including the practice of neuropsychology, forensic assessments, child custody and parental fitness evaluations, medical capacity evaluations, medical pre-surgical evaluations (transplant surgery, bariatric surgery, neurostimulator implantation surgery), acute medical specialty consultations (inpatient medical hospital, sleep medicine), projective testing, and public safety employment evaluations such as fitness for duty.*

- c. *The practice of psychology shall be construed within the meaning of this definition (Section B.9) without regard to whether payment is received for services rendered. (See Section G for Limitation of Practice; Maintaining and Expanding Competence and Section J for Exemptions.)*

C. STATE PSYCHOLOGY BOARD

1. Board Organization

The Board shall consist of minimally seven licensed psychologists and two public members.

In jurisdictions that recognize licensed practitioners of psychology, the professional board member positions shall be comprised of no less than 2/3 licensed psychologists and no more than 1/3 licensed practitioners of psychology.

Professional board members shall be actively licensed to practice in good standing in this state with a minimum of five years of post-licensure experience. Professional board members shall reflect a diversity of practice specialties, both in health care and other applications and include representation from teaching, training, and practice areas.

The public board members eligible under state law to serve shall be residents of the state, consistent with requirements of the state. A public board member shall not be a licensed psychologist, licensed practitioner of psychology, an applicant or former applicant for licensure as a psychologist or practitioner of psychology, a member of another health profession, or a member of a household that includes a licensed psychologist or licensed practitioner of psychology, or otherwise have conflicts of interest or the appearance of such conflicts with duties as Board members.

2. Board Appointments

Board members shall not engage in any conduct involving any conflicts of interests or appearance thereof with the performance of Board duties consistent with the state's policies on conflicts of interests. No one who has been convicted of or plead guilty to a felony offense under any state or federal law may be appointed to serve on the Board.

Appointments to the Board shall be made by the duly constituted appointing authority in this state. The appointing authority in this state shall solicit professional board member nominations from psychological organizations and licensed psychologists and licensed practitioners of psychology in this state. The term of office shall be five years, with provision for reappointment for one additional term. Lengths of terms of Board members shall be staggered.

3. Board Operations

The Board shall meet regularly throughout the year as necessary to conduct Board business on a timely basis. The Board may meet virtually if permitted by state law. A majority of the Board shall constitute a quorum for purposes of conducting the business of the Board. The Board shall elect a chair and any other officers necessary to carry out the Board's duties. Decisions will be determined by a majority vote. The Board shall provide reasonable advance notice for all Board meetings and shall maintain minutes of all meetings and a list of applicants for licensure, which are to be made publicly available as determined by the Board.

The Board may adopt rules and regulations necessary to carry out the provisions of this Act. This includes the processes for receiving and investigating complaints.

4. Fees

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

5. Qualified Immunity

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

D. REQUIREMENTS FOR LICENSURE

1. For Psychologists

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

All applicants for licensure must minimally be graduates of a regionally accredited institution of higher education, or a Canadian university that is provincially or territorially chartered and must have completed a planned program of study that reflects an integration of the science and practice of psychology. A formal training program accredited by the American Psychological Association or Canadian Psychological Association or other substantially equivalent body recognized by the Board is required. For areas of psychology where APA or CPA program accreditation does not exist, psychology programs must meet all the requirements listed in Section D.1.a.(2)-(14).

The law recognizes that new doctoral programs may be developed in newly or already recognized specialties of professional psychology. In such instances, the law affords those programs an eight-year period in which to achieve accreditation or to meet the standards described in D.1.a.(1)-(14), during which the graduates of those programs may sit for licensure.

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a. Educational requirements

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

Applicants for licensure as a psychologist shall possess a doctoral degree in psychology from a regionally accredited institution of higher education or from a Canadian university that is provincially or territorially chartered. The degree shall be obtained from a recognized program of graduate study in psychology as defined by the rules and regulations of the Board.

Applicants for licensure shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA) or other substantially equivalent accreditation body recognized by the Board. Where APA or CPA program accreditation does not exist for that area of professional psychology, then the applicant must show that their doctoral program in psychology meets all the following requirements:

- (1) *Training for health service psychologists is doctoral training offered in a regionally accredited institution of higher education. A regionally accredited institution is an institution with regional accreditation in the United States or a university that is provincially or territorially chartered in Canada.*
- (2) *The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train health service psychologists.*
- (3) *The psychology program must stand as a recognizable, coherent organizational entity within the institution or in a formal partnership or consortium among separate administrative entities.*
- (4) *There must be a clear authority and primary responsibility for the core and specialty areas.*
- (5) *The program must integrate empirical evidence and practice such that practice is evidence-based and evidence is practice-informed.*
- (6) *The training must be sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training.*
- (7) *The program engages in actions that indicate respect for and understanding of cultural and individual differences and diversity.*
- (8) *There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities and a psychologist responsible for the program.*
- (9) *The program must have an identifiable body of students who are matriculated in that program for a degree.*
- (10) *The program must include supervised practicum, internship, field or laboratory training appropriate to the individual's chosen area of practice of psychology.*
- (11) *The curriculum shall encompass a minimum of three academic years of full time graduate study (or the equivalent) plus an internship and a minimum of one year's residency (or the equivalent)*

at the educational institution granting the doctoral degree. Students should acquire a general, foundational knowledge base in the field of psychology.

(12) The core program shall require every student to demonstrate competence in each of the following substantive areas, with a reliance on the current evidence-base.

- » Research to include statistical analysis and psychometrics
- » Foundational knowledge in biological, cognitive, developmental, and social bases of behavior
- » Ethical and legal standards
- » Individual and cultural diversity
- » Professional values, attitudes, and behaviors
- » Communication and interpersonal skills
- » Assessment
- » Intervention
- » Supervision
- » Consultation and interprofessional/ interdisciplinary skills

(13) All programs in fields within health service psychology education programs shall include course requirements in developed practice areas/specialties.

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

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

Applicants trained in institutions outside the United States shall meet requirements established by the Board as defined in its rules and regulations.

Psychologists trained in an area that falls outside the scope of APA accreditation (e.g., experimental, developmental, social) and who intend to practice in a health service psychology practice area must complete a retraining program and/or appropriate supervised experience (e.g., internship in the practice area).

The Board shall issue a provisional license to applicants for licensure as a Psychologist in accordance with the rules and regulations promulgated by the Board. A provisional licensee shall work under the supervision of a Licensed Psychologist until the provisional licensee is granted a license as a “Licensed Psychologist.”

b. Experience requirements

APA recommends that legislation requires the equivalent of two full-time years of sequential, organized, supervised, professional experience before obtaining a license. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be a predoctoral internship which may be completed as a part-time intern over a two-year period provided that the total experience is the equivalent of one year of full-time experience. In rules and regulations, the Board must define

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acceptable supervised experience at the predoctoral and postdoctoral levels as well as mechanisms for evaluation of this experience. Boards may accept practicum hours as part of the required sequential supervised professional experience. Boards are encouraged to create definitions that are flexible and capture the variety of existing training and supervisory models. Psychologists are required to limit their practice to their demonstrated areas of professional competence. Experience should be compatible with training.

To obtain licensure, applicants shall demonstrate that they have completed the equivalent of two full-time years of sequential, organized, supervised professional experience. One of those two years of supervised professional experience shall be an APA or CPA accredited (or equivalent) predoctoral internship. The criteria for appropriate supervision shall be in accordance with regulations to be promulgated by the Board. Experience shall be compatible with the knowledge and skills acquired during formal doctoral and/or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice. Applicants shall be required to show evidence of good character, e.g., that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed.

c. Examinations

APA recommends that the Act specify the requirements for examination and the conditions under which the Board is authorized to waive an examination. All examinations serve the purpose of verifying that a candidate for licensure has acquired a basic core of knowledge in the discipline of psychology and can apply that knowledge to the problems confronted in the practice of psychology within the applicant's area of practice as a health service provider. While written examinations typically evaluate the applicant's basic core of knowledge, any additional examinations such as oral examinations or work samples shall be representative of the applicant's area of practice. Boards should clearly specify the conditions under which the endorsement of another license will be granted.

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The Board shall administer, or approve for administration, a national licensing examination that evaluates the basic knowledge and skills required for the practice of health service psychology to qualified applicants. At its discretion, the Board may require additional examination(s) of relevant jurisprudence, oral knowledge and ability, or require work samples, representative of the applicant's area of practice as a health service provider. The Board shall administer examinations for qualified applicants on a regular schedule to ensure the timely completion of the licensure process. Applicants for licensure must pass the required licensing examination(s) approved by the Board before independent licensure. The passing score for a national licensing exam should be at the recommended pass point established by the exam developer and approved by the Board.

The Board may, at its discretion, waive the examination requirement for any applicant who: (a) holds a valid, unrestricted license as a licensed psychologist or equivalent title as determined by the Board in another state or territory of the United States, or in a Canadian province, under requirements substantially equivalent to those of this state; (b) has continuously maintained such licensure in good standing for a minimum of 5 years; (c) provides satisfactory evidence of having passed the national exam at or above the passing score as established by the exam developer and required by this state at the time of licensure; and (d) meets all other requirements for licensure in this state. It is recommended that individuals applying for licensure be eligible to sit for the examination upon completion of all the requirements of the doctoral degree.

d. Prior credentials

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

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

and shall be eligible for renewal of licensure in accordance with the provisions of this Act.

e. *Applications from individuals licensed in other jurisdictions*

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

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

2. *For Practitioners of Psychology*

Applicants for licensure as a Licensed Practitioner of Psychology shall possess:

a. *Educational requirements*

A master's degree in health services psychology from a regionally accredited institution of higher education or from a Canadian university that is provincially or territorially chartered that meets all of the following requirements:

- (1) *The master's degree program in a field within health services psychology is accredited by the American Psychological Association (APA) or the Canadian Psychological Association or other substantially equivalent accreditation body recognized by the Board;*
- (2) *The curriculum shall encompass a minimum of sixty (60) semester hours or equivalent credit hours in health services psychology and includes a minimum of two academic years of full-time graduate study;*
- (3) *The program may include distance education, but a minimum of one (1) continuous academic year shall be obtained in residence at the educational institution granting the master's degree;*
- (4) *The core program shall require every student to demonstrate competence in each of the following substantive areas*
 - *Discipline-Specific Knowledge (Affective, Biological, Cognitive, Developmental, and Social Aspects of Behavior, Research Methods, Psychometrics), and;*
 - *Profession-wide competencies (Integration of science and practice, ethical and legal standards, individual and cultural diversity, professional values and behavior, communication/interpersonal skills, assessment, intervention, supervision, consultation/interprofessional skills);*
- (5) *The program must include supervised practicum and internship appropriate to the individual's chosen area of practice of psychology that consists of a total of eight hundred (800) hours that includes:*

- *Four hundred (400) hours of direct service, of which one hundred (100) hours can include observation of others (e.g., shadowing) or co-therapy;*
- *At least one direct observation of student clinical work (synchronous or asynchronous) by a supervisor for each specified evaluation period (e.g., semester or clinical rotation); and*
- *Practicum is completed while in residence at the program.*

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

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

Individuals trained in an area that falls outside of health service psychology must complete a retraining program and/or appropriate supervised experience (e.g., internship in the developed practice area) as determined by the Board.

Applicants from programs without accreditation may be eligible for licensure as long as the program meets the requirements of Section 2.a.(2)-(6).

The Board shall issue a provisional license to applicants for licensure as a Practitioner of Psychology in accordance with the rules and regulations promulgated by the Board. Licensees shall work under the supervision of a Licensed Psychologist or Licensed Practitioner of Psychology until the provisional licensee is granted a license as a "Licensed Practitioner of Psychology."

b. Experience requirements

To obtain independent licensure as a Licensed Practitioner of Psychology, applicants shall demonstrate that they have completed at least two full-time years of post-degree, supervised professional experience. This supervised training shall include a total of 3,000 hours: 2,200 hours of which must be in the direct provision of services. Supervision must include one (1) hour of supervision per 10 hours of direct client service for the first 1,000 hours of practice, and then one (1) hour of supervision per 20 hours of direct client service for remaining direct client service hours. Supervision must be provided by a Board approved Licensed Psychologist or Licensed Practitioner of Psychology who has primary oversight and responsibility for the supervisee's training and practice. With Board approval, the supervising Licensed Psychologist/Licensed Practitioner of Psychology may designate up to 50% of supervision to an appropriately trained and licensed mental health professional. After the first 1,000 hours of direct client contact, up to 50% of supervision may be group supervision.

During this period of post-degree supervised experience, applicants shall demonstrate acquisition of 100 hours of didactic education in the intended scope of practice. Examples may include but are not limited to formal coursework, certification training or continuing professional development courses or training related to specific interventions or assessment techniques. The board will determine, by rulemaking, the eligibility criteria for supervisors and the responsibilities for supervisors and supervisees, respectively.

c. Examinations

The Board shall administer, or approve for administration of, a national licensing examination that evaluates the basic knowledge and skills required for the practice of health service psychology to qualified applicants. At its discretion, the Board may require additional examination(s) of relevant jurisprudence, oral knowledge and ability or require work samples representative of the applicant's area of practice as a health service provider. The Board shall administer examinations for qualified applicants on a regular schedule to ensure the timely completion of the licensure process. Applicants for licensure must pass the required licensing examination(s) approved by the

Board before independent licensure. The passing score for a national licensing exam should be at the recommended pass point established by the exam developer and approved by the Board.

d. *Applications from individuals licensed in other jurisdictions*

The Board may, at its discretion, waive the examination requirement for any applicant who: (a) holds a valid, unrestricted license as an LPP or equivalent title as determined by the Board in another state or territory of the United States, or in a Canadian province, under requirements substantially equivalent to those of this state; (b) has maintained such licensure in good standing for a minimum of 5 years; (c) Provides satisfactory evidence of having passed the national exam at or above the passing score as established by the exam developer and required by this state at the time of licensure; and (d) meets all other requirements for licensure in this state.

E. TEMPORARY PRACTICE AND INTERSTATE PRACTICE OF PSYCHOLOGY

This section provides for time-limited in-person or telepsychology practice in a jurisdiction other than the state in which the psychologist is licensed and the interstate practice of psychology. This is not intended to eliminate the necessity for licensure for those who are setting up regular professional practice in that jurisdiction.

Boards are encouraged to develop specific mechanisms by which psychologists licensed in other jurisdictions may provide professional assistance during disaster response situations. The psychologist must have an earned doctoral degree and be actively licensed in good standing in another jurisdiction.

Mechanisms have been developed to provide for interstate recognition of licensure for psychologists. Jurisdictions are encouraged to adopt and implement mechanisms such as multi-state licensing compacts or state telehealth provider registries as appropriate. Although the statutory language below reflects psychologists, it is presumed that as the practice of Licensed Practitioners of Psychology continues to evolve, jurisdictions will adopt and implement similar mechanisms for temporary and interjurisdictional practice for Licensed Practitioners of Psychology.

Nothing in this Act shall be construed to prohibit the practice of psychology in this state by a person holding an earned doctoral degree in psychology from an institution of higher education who is actively licensed in good standing as a psychologist under the laws of another jurisdiction, provided that the aggregate of thirty (30) days per year of professional in person or telepsychology services as a psychologist under the provision of this subsection is not exceeded. Before providing services in this state, a doctoral level licensed psychologist from another jurisdiction should provide written notice to the Board as more fully described in the regulations, specifying the type of services to be provided, approximate duration of such services along with documentation of licensure and consent to practicing under the jurisdiction, laws, and regulations of this state. Notice does not require approval of the Board before delivery of service if the aggregate of 30 days of services is not exceeded and the individual does not establish an ongoing, regular, professional practice in the jurisdiction.

In disaster situations, the time frame and conditions under which psychologists actively licensed in good standing under the laws of another jurisdiction may provide disaster services under this state's jurisdiction shall be defined by the Board. To the extent that the jurisdiction has adopted the Uniform Emergency Volunteer Health Practitioners Act or similar enabling legislation, that law will apply in times of disaster.

F. MOBILITY AND PORTABILITY OF AUTHORIZATION TO PRACTICE

This portion of the Act provides for the conditions under which a Licensed Psychologist may practice until obtaining licensure in another jurisdiction. Jurisdictions are encouraged to adopt regulations to facilitate the mobility and

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portability of licensure. Provision is also made for the Board to waive examination if the requirements met by the psychologist in the original jurisdiction are judged to be equivalent to those in this state. Until there is more uniformity across jurisdictions for Licensed Practitioners of Psychology on which to build licensure portability, the statutory language below remains focused on psychologists. However, jurisdictions are encouraged to adopt mechanisms for licensure portability for Licensed Practitioners of Psychology as appropriate.

A psychologist holding a current, active license in good standing under the laws of another jurisdiction may be authorized by the Board to practice psychology as defined in this Act for a maximum of six months, provided that the psychologist has made application to the Board for licensure and has met the educational and experience requirements for licensure in this state. Denial of licensure terminates this authorization. The Board may choose to waive examination if a psychologist is licensed in another jurisdiction if that jurisdiction's qualifications are not less than those required for licensure in this state.

G. LIMITATION OF PRACTICE; MAINTAINING AND EXPANDING COMPETENCE

This provision of the Act is intended to ensure licensed psychologists and licensed practitioners of psychology who provide services will not practice outside the limits of their competence. The burden of proof is on the licensure applicant to provide evidence acceptable to the Board that the applicant has obtained the education and training necessary to engage in the practice of psychology in the specified area of competence. The Board may wish to develop a process that provides for the specification of the intended area of practice and the evidence necessary to document competence. The Board should recognize that training in psychology includes broad and general training in scientific psychology and in the foundations of practice. Practice areas include: clinical psychology, counseling psychology, and school psychology.

Licensees provide services to populations and in areas within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience and do not practice beyond their areas of competence. The Board develops requirements or structures (e.g., continuing education in general areas of practice as well as in specific areas such as ethics, domestic violence, and multicultural competence; declaration and documentation of competence) to ensure that licensees undertake ongoing efforts to identify, develop, and maintain competence and ethical practice. Boards may choose to require applicants for licensure and renewal of licensure to self-declare their areas of practice competence. Should a licensee's area of practice change significantly, then the licensee may be required by the Board to provide documentation of the training, supervision, and/or mentoring undertaken to achieve competence in the new area at the time of license renewal. Licensees practicing in emerging areas take reasonable steps to ensure the competence of their work by using relevant research, training, consultation, or study.

**RATIONALE:
FOR REFERENCE
ONLY**

The Board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. The Board shall develop a process to ensure that licensees undertake ongoing efforts to maintain competence and ethical practice. The Board adopts as its standard of conduct the Ethical Standards of the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association.

H. REINSTATEMENT OF LICENSURE

1. Inactive or Lapsed License

A licensee in good standing who will not be practicing in the state for at least one year may petition the Board to have their license placed on inactive status without penalty. When such licensee wishes to return to practice, the individual must submit an application to the Board, which includes payment of the renewal fee and compliance

with the continuing [education or professional development] requirements.

If the licensee seeks to reinstate a lapsed license due to failure to renew the license and comply with the licensing renewal requirements on a timely basis, the licensee must pay a late renewal fee in addition to the requirements for individuals seeking to reactivate their inactive license to active status.

Any individual with an inactive or lapsed license is prohibited from practicing psychology within the state until the requirements for active licensure are met and the individual's license is reinstated on active status.

2. Emeritus status

A licensee may apply for emeritus status if the following conditions are met:

- a. The licensee is 65 years of age or older;
- b. The licensee is licensed in good standing in the state for a minimum as determined by the Board; and
- c. Plans to provide limited services such as volunteer service, disaster response, or training not more than 20 hours per week.

A licensee must apply for emeritus status. If granted, the emeritus licensure fee may be a reduced rate of the permanent licensure fee as determined by the Board. However, the [annual or biennial] continuing [education or professional development] requirements remain the same. If the individual elects to give up emeritus status and seeks permanent licensure, the individual must contact the Board in writing to reactivate their license and comply with those requirements.

I. PRACTICE WITHOUT A LICENSE

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

**RATIONALE:
FOR REFERENCE
ONLY**

It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to represent themselves as a psychologist or a practitioner of psychology unless otherwise exempted from licensure as described in Section J. It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to engage in the practice of psychology as defined in this Act, whether practicing as an individual, firm, partnership, corporation, agency, or other entity.

Any person who shall represent themselves as a licensed psychologist or licensed practitioner of psychology in violation of this Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a misdemeanor and fined accordingly, and, in addition, may be imprisoned, depending on the state's criminal code. Any person filing or attempting to file, as their own, a diploma or license of another or a forged affidavit of identification shall be subject to the punishment prescribed for fraud, forgery and/or misrepresentation as defined in state law.

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

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

J. EXEMPTIONS

1. There should be an exemption from licensure for psychologists engaged solely in teaching in academic institutions, conducting research in academic and/or research institutions, or working in the applied areas of the psychology field. The exemption should not be allowed if the individual engages in the direct delivery or supervision of psychological services for the purposes of assessing, evaluating, diagnosing, preventing, or treating behavioral or emotional functioning, health, or impairment. Psychologists engaged in teaching, research, or applied areas of psychology are not prohibited from pursuing licensure if they meet the statutory requirements for licensure.

**RATIONALE:
FOR REFERENCE
ONLY**

Licensure requirements defined in the provisions of this Act shall not apply to individuals with doctoral degrees in psychology from an accredited institution of higher education whose doctoral degrees in psychology are in areas outside of health service psychology provided they do not engage in nor supervise the provision of psychological services described in Section B.9. of this Act.

Individuals with a doctoral degree in psychology from an accredited institution of higher education may refer to themselves as psychologists when:

- a. *teaching psychology in academic institutions;*
- b. *conducting psychological research;*
- c. *providing applied psychology services; or*
- d. *providing expert witness services for areas of psychology not specified in Section B.9. of this Act.*

Nothing in this Section shall be construed to prevent psychologists as described here in Section 1 from pursuing licensure under the provisions of this Act should they choose to do so.

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

**RATIONALE:
FOR REFERENCE
ONLY**

Nothing in this Act shall be construed to prevent members of other recognized professions, including but not limited to physicians, other mental health providers, or attorneys who are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional education and training, lawful scope of practice, and code of ethics, provided that they neither represent themselves to be psychologists, nor incorporate the following words in describing the services they offer to the public: psychological, psychologist, psychology, or derivatives thereof. Duly recognized members of the clergy shall not be restricted from functioning in their ministerial capacity, if they neither represent themselves as psychologists nor incorporate the words psychological, psychologist, psychology, or derivatives thereof in the services they offer the public.

3. The prior version of this Act included an exemption for the use of the terms “school psychologist” or “certified school psychologist” for all individuals credentialed by the state agency regulating practice in public schools (e.g., the Department of Education). This version acknowledges the authority of the relevant state education agency or appropriate regulatory body to credential and limit individuals to provide school psychological services in only educational settings under their jurisdiction. Additionally, the title of such practitioners must include the word “school” (e.g., “school psychologist”) to reflect accurately their practice scope within such settings.

**RATIONALE:
FOR REFERENCE
ONLY**

Nothing in this Act shall be construed to prevent [cite relevant state education authority or statutory provisions] from credentialing individuals to provide school psychological services in those settings that are under the purview of the state education agency or appropriate regulatory body. Such individuals shall be restricted in their practice to provide school psychological services at school and educational settings and the use of the title so conferred, shall include the word "school."

This provision is not intended to restrict the activities of Licensed Psychologists.

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

**RATIONALE:
FOR REFERENCE
ONLY**

Nothing in this Act shall be construed to prevent persons under the supervision of a licensed psychologist from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves with the title "psychologist," in accordance with regulations promulgated by the Board. Such persons who are preparing for the profession of psychology may use terms such as "psychological trainee," "psychological practica student," "psychological intern," or "psychological resident." Other supervised persons may use terms such as "psychological assistant," "psychological technician," or "testing technician." All such persons must perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the Board.

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

- a. a matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in a psychology program at an institution of higher education;*
- b. an unlicensed individual pursuing post-degree training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act; or*
- c. a qualified assistant or, technician employed by, or otherwise directly accountable to, a licensed psychologist. Such individuals may, among other things, administer and score psychological tests at the request of the supervising psychologist, but may not interpret such tests. The Board shall issue regulations determining the number of assistants and technicians that a psychologist may employ, their qualifications, and the conditions under which their work must be overseen.*

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

**RATIONALE:
FOR REFERENCE
ONLY**

Nothing in this Act shall be construed to require a license under this Act in order for a firm, partnership, corporation, limited liability company or other entity to provide psychological services where such services are performed by an individual: (a) duly licensed in this state to provide psychological services under this Act; or (b) supervised by a licensed psychologist in this state and permitted to provide psychological services with such supervision under this Act.

K. GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSES

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

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

- 1. fraud in applying for or procuring a license to practice psychology;*
- 2. unprofessional conduct as defined in the rules and regulations promulgated by the Board;*
- 3. practicing psychology in such a manner as to endanger the welfare of clients or patients;*
- 4. conviction of a felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);*
- 5. conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;*
- 6. harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;*
- 7. engaged in sexual intercourse or other sexual contact with a client, patient or the individual who is the direct recipient of psychological services (where services are provided to an organization, client refers only to the individuals who are direct recipients of psychological services);*
- 8. use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education, training, and experience;*
- 9. gross malpractice or repeated malpractice or gross negligence in the practice of psychology;*
- 10. aiding or abetting the practice of psychology by any person not licensed by the Board;*
- 11. conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence);*
- 12. exercising undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;*
- 13. received disciplinary action by another state on a license to practice psychology (a certified copy of the record of disciplinary action by the state making such a decision shall be conclusive evidence thereof);*
- 14. refusal to appear before the Board after having been sent notice to do so in writing by the executive officer or chair of the Board;*
- 15. making any fraudulent or untrue statement to the Board;*

16. *violation of the relevant ethical standards of the APA Ethical Principles of Psychologists and Code of Conduct or other standards adopted in the rules and regulations of the Board; and*
17. *inability to practice psychology with reasonable skill and safety to patients or clients as a result of any condition or circumstance that significantly interferes with professional competence or ethical practice, such as but not limited to substance use, cognitive, emotional, medical, or behavioral dysregulation or impairment.*
18. *When the issue is whether a licensee experiences a circumstance that is affecting their ability to practice psychology with reasonable skill and safety to patients or clients, a showing of probable cause (e.g., it is more likely than not) to the Board is required that the licensee is not capable of practicing psychology with reasonable skill and safety to patients or clients. Upon such a showing, the Board may petition a court of competent jurisdiction to order the licensee in question to submit to a psychological examination by a licensed psychologist to determine psychological status and/or a medical examination by a licensed physician to determine physical impairment. Such psychologist and/or physician is to be designated by the Board. The expense of such examination shall be borne by the Board. The licensee shall also be permitted to obtain their own evaluation at their expense. When competency to practice is at issue, every psychology licensee in the state shall be deemed to have given consent to submit to a professional examination(s) as related to the areas of competence in question and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of incompetence.*

L. BOARD HEARINGS AND INVESTIGATIONS

The Board may investigate or cause to be investigated any allegation or evidence that appears to show that a licensee in this state is, or may be, in violation of this Act or of any of the acts, offenses, or conditions set forth by the Board in rules and regulations. Investigations will be limited to the allegation or evidence upon which they were initially based, except in situations when the investigation uncovers evidence of serious misconduct on the part of the licensee that is unrelated to the initial allegation or evidence.

1. *Any accusation filed against a licensee in this state shall be filed within three years from the date the Board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or omission involves a minor, the seven-year limitations period provided for shall be tolled until the minor reaches the age of majority.*
2. *The following are exceptions to the limitations period in paragraph (1):*
 - a. *acts or offenses involving a violation of Sections K(1), K(13), or K(15) ;*
 - b. *acts or offenses involving a violation of Sections K4, where there is an element of dishonesty or fraud, and Section K5;*
 - c. *acts or offenses involving fraudulent, deceptive or dishonest conduct that adversely affects the person's ability or fitness to practice psychology;*
 - d. *acts or offenses involving allegations of sexual misconduct with a patient or client, or with a former patient or client for a period of two years following the date of the last professional contact with the former patient or client.*

Any licensee in this state is required to report to the Board any information such individual in good faith may have

that appears to show that any licensee in this state may be in violation of this Act or guilty of any of the acts, offenses, or conditions set forth by the Board and such violation has substantially harmed or is likely to substantially harm a person or organization, unless such intervention would violate confidentiality rights under this statute or when the knowledge comes from a peer review process qualifying under the state peer review statute or when a licensed psychologist has been retained to review the work of that licensee whose professional conduct is in question. Any licensee who in good faith makes such a report to the Board shall be immune from civil liability to any person and/or entity for any statement or opinion made in such report. Licensees who make false claims against a peer, however, do not have such immunity.

If, in the opinion of the Board majority, there is probable cause that the information provided to it under the provisions of this section may be valid, the Board shall request by registered mail a formal interview with the licensee. If the licensee refuses to appear for a formal interview before the Board, the licensee's refusal shall be considered grounds for the Board, at its discretion, to impose disciplinary measures which may include but is not limited to suspension or revocation of the individual's license. Any proceeding for suspension or revocation of a license to practice psychology in this state shall be conducted in accordance with procedures established by the Board. In the event these provisions conflict with the state's general administrative procedures, these specific provisions will take precedence. The licensee shall be informed of their rights concerning Board hearings and investigations:

1. the right to notice that a complaint has been filed and to be provided with a copy of the complaint within [x] days of receipt of the complaint and the licensee and the complainant are provided notification, at least every three months as to the status of any outstanding complaint unless the Board makes an affirmative determination that the disclosure would prejudice the investigation of the complaint and notifies the licensee of the determination or disposes of the complaint within 120 days of the date of receipt of the complaint;
2. the right to see a signed (electronically or otherwise) complaint (non anonymous);
3. the right to have access to the Board's rules and procedures;
4. the right to ensure that the investigation is completed and a determination is made as to whether the complaint has merit on a timely basis not to exceed [x] days from the Board's receipt of the complaint;
5. the right to self-representation or representation by counsel;
6. the right to a hearing within a reasonable period after the Board receives the allegation or evidence that serves as the basis for an investigation by the Board and 30 days' notice of the hearing;
7. the right to discovery: each side can request from the other side relevant documents, a list of witnesses, and for any expert witnesses, the name, C.V. and a detailed report of the expert's expected testimony;
8. the right to compel the attendance of, and produce, witnesses and to confront and cross examine opposing witnesses, and to have witnesses testify under oath;
9. the right to recusal from participation in the Board's investigations and hearings any Board member who may have a conflict of interest with the licensee who is the subject of the complaint;
10. the right to a written decision setting forth the violation, findings of fact, sanctions, and reasons for the sanctions, within a reasonable period following the hearing;

11. *a determination of the size of the vote necessary to find a violation;*

12. *a determination whether the hearing will be closed or open to the public;*

13. *the right not to have Board members who were on the investigative committee also appear on the formal hearing panel;*

14. *the right to an appeal to an administrative board of review and/or to a court of competent jurisdiction.*

The licensee may knowingly and voluntarily waive in writing their right to the formal adversary proceeding described in this section.

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

In the event that the Board finds evidence during its investigation indicating that the licensee's ongoing practice may constitute an immediate danger to the public, the Board shall temporarily suspend the license of a psychologist [or practitioner of psychology] without a hearing simultaneously with the institution of proceedings for a hearing provided under this section. The Board shall provide the individual with due notice that includes a written statement of the allegations against the licensee as more fully described in the Board's rules and regulations. The Board will schedule a hearing to be held within 60 days to determine the merits of the evidence. Appropriate officials may petition the court for an injunction barring further practice unless or until the person is properly licensed. The injunction may be issued in addition to, or in lieu of, the criminal sanctions provided for in this section.

A psychologist [or practitioner of psychology] may surrender their license when such person is charged with unethical conduct and upon receipt of that charge, that person decides to surrender the license, such surrender and acceptance by the Board shall constitute acknowledgment by the licensee of being guilty as charged. A licensee may request in writing to the Board that a restriction be placed upon their license to practice psychology. The Board, in its discretion, may accept a surrender or grant such a request for restriction and shall have the authority to attach such restrictions to the individual's license to practice psychology within this state or otherwise to discipline the licensee.

After the holding of a hearing and the taking of evidence by the Board as provided for in this section, if a majority of the Board finds that a licensee is in violation of this Act or guilty of any of the acts, offenses, or conditions as enumerated by the Board, the following actions may be taken:

- 1. The Board may revoke or suspend the license and impose a monetary penalty.*
- 2. The Board may suspend imposition of a revocation or suspension of a license and/or a monetary penalty.*
- 3. The Board may impose revocation or suspension of a license and/or a monetary penalty but suspend enforcement thereof by placing the licensee on probation, which probation shall be revocable if the Board finds the conditions of the probation order are not being followed by the licensee.*
- 4. The Board may require the licensee to submit to care, counseling, or treatment by a professional designated by the Board. Such action may, but is not required to, be a condition of probation. The expense of such action*

shall be borne by the licensee.

5. *After investigation at its discretion, the Board may dismiss or suspend a complaint without a finding as delineated in the rules and regulations so that a licensee who is the subject of the complaint may participate in a colleague-assistance program acceptable to the board. The board may dismiss or suspend a complaint contingent upon the licensee complying with directions issued by the board. The board may reinstate any dismissed or suspended complaint at any time it deems that the individual is not in compliance with the directions of the board.*
6. *The Board may, at any time, modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both.*
7. *The Board shall have the power to require restitution, when necessary.*
8. *The Board shall have the power to assess the costs of the disciplinary proceeding.*
9. *The Board shall report any formal adverse actions to the National Practitioner Data Bank as required by law.*

The Board shall define by rulemaking under what circumstances the Board may consider instituting non-disciplinary actions (e.g., verbal warnings or letters of concern), referral to confidential treatment programs, or formal disciplinary actions. In the case of non-disciplinary actions, the Board will define by rule what actions are confidential and not subject to public disclosure.

M. PRIVILEGED COMMUNICATION

This section regulates and limits the powers of the judicial system. The courts or other administrative agencies with subpoena power have the right to make use of all relevant information in the judicial fact-finding process unless this right of access to information is specifically limited. Historically, courts and legislatures have been charged with fact-finding to seek truth and administer justice. At the same time, they have attempted to maintain the integrity of the confidential and private relationship between the psychology professional and patient or client. Some societal issues have emerged, such as child abuse and sexual abuse, that have changed the absolute nature of privileged communication. Though the privilege between the client or patient and the psychology professional is not absolute, it is designed to be sufficiently broad to cover all situations except those specifically enumerated. It is a privilege “owned” by the patient or client, who may assert it or waive it, and the psychology professional may assert the privilege for a patient or client who wishes to maintain such privilege of communication. It is understood that the privilege encompasses only communications between the patient or client and the psychology professional in a professional relationship. The provisions herein relate only to the disclosure of confidential communications in judicial, legislative, and administrative proceedings. They do not speak about the disclosure of confidential communications in other contexts, such as, for example, disclosures required or permitted by law or disclosures relating to consultations. Disclosure of confidential communications outside of judicial proceedings is governed by the relevant sections of the APA Ethics Code.

**RATIONALE:
FOR REFERENCE
ONLY**

The relations and communications between the patient or client and the licensed psychologist or licensed practitioner of psychology and their supervisees are confidential and privileged. Licensees should ensure that all persons working under their authority comply with the requirements for confidentiality of patient or client information. Those communications may not be disclosed except in specific circumstances as described below.

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

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

- 1. where abuse or harmful neglect of children, older adults, or disabled or incompetent individuals is known or reasonably suspected;*
- 2. where the validity of a will of a former patient or client is contested;*
- 3. where such information is necessary for the licensee to defend against a malpractice action brought by the patient or client;*
- 4. where an immediate threat of physical violence against a readily identifiable victim is disclosed to the licensee;*
- 5. in the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the licensee;*
- 6. in any proceeding in which the party relies upon their mental or emotional condition as an element of the party's claim or defense;*
- 7. where the patient or client is examined under court order; or*
- 8. in the context of investigations and hearings brought by the patient or client and conducted by the Board, where violations of this Act are at issue.*

N. SEVERABILITY

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

**RATIONALE:
FOR REFERENCE
ONLY**

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

O. EFFECTIVE DATE

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

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

REFERENCES

American Psychological Association. (2011). Model act for state licensure of psychologists. *American Psychologist*, 66(3), 214-226.

American Psychological Association. (2017). *Ethical principles of psychologists and code of conduct* (2002, amended effective June 1, 2010, and January 1, 2017). <https://www.apa.org/ethics/code/>

APA Committee on Legislation. (1955). Joint report of the APA and CSPA (Conference of State Psychological Associations). *American Psychologist*, 10, 727-756.