

# American Psychological Association

## **Model Act for State Licensure of Psychologists Psychology Professionals Adopted by Council as APA Policy 2/20/2010 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. ~~Inevitably, each state law will reflect compromises and changes particular to that state, but the APA Model Act is meant to serve as a guide for those involved in the drafting process.~~ State licensing boards ~~must~~ develop their own rules and regulations to ~~implement~~<sup>supplement</sup> the legislation proposed here. This document also serves to ~~educate~~<sup>inform</sup> legislatures about psychology ~~education~~, training and practice and ~~serves~~ 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 fifth-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).~~

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

~~By 1977 all states and the District of Columbia had enacted licensure legislation. APA's Council of Representatives then determined that the model approved in 1967 was outdated and directed COSL to undertake a revision. However, in January 1979 the Council of Representatives failed to approve the revised model guidelines, leaving the 1967 guidelines to remain as APA policy. In 1984 the Council of Representatives directed the Board of Professional Affairs (BPA) to develop another revision of the existing 1967 model for the Council's consideration. BPA, in turn, directed its Committee on Professional Practice (COPP) to prepare it.~~

~~This document was approved by the Council of Representatives in February, 1987.~~

~~In 2006, at the recommendation of the Board of Professional Affairs and the Committee for the Advancement of Professional Practice, the APA Board of Directors and Council of Representatives funded a Task Force to undertake the revision of the 1987 model act. The existing model act did not reflect the developments in professional practice that had occurred over the preceding 20 years. Specific developments included some psychologists obtaining prescriptive authority, changes in the provision of industrial/organizational and consulting psychology that could make it desirable for those psychologists to be licensed, and changes in the recommended sequence of education and training for psychologists. The Task Force undertook this effort beginning with a comprehensive review of the 1987 document as well as relevant APA policies and other documents. Draft revisions were circulated for review and a 90-day public comment period ensued. Changes were made to the document based on commentary received. A second public comment period ensued and another review by governance groups followed by additional changes to the document occurred prior to the document being approved by Council in February 2010.~~

~~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 ~~proposed~~ Model 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*.

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

This section declares that the intent of legislation for state licensure of ~~psychologists~~psychology professionals is to ensure the practice of psychology ~~in is regulated in~~ the public interest. The ~~consumer~~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 ~~a~~Act. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology.

~~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, services for which licensure has not historically been necessary. 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 ~~psychologists~~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. ~~There can be a legitimate use for technology supported services, such as electronic or telephonic means.~~ 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 ~~APA Ethical guidelines~~ and Board regulations.

1. “Board” means the (name of state) State Psychology Board.
2. “Institution of higher education” means any regionally accredited institution of higher education in the United States, including a professional school, that offers a full-time ~~doctoral~~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.
- 2.3. “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.
  4. 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.
- 5.6. “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.
- 6.8. “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.
- 7.9. “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) preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior; (b) evaluating, assessing, and/or facilitating the enhancement of individual, group, and/or organizational effectiveness including personal effectiveness, adaptive behavior, interpersonal relationships, work and life adjustment, health, and individual, group, and/or organizational performance, or (c) assisting in legal decision-making.
- 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.

a: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.

(4)c. The practice of psychology shall be construed within the meaning of this definition (Section B.93) 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. The practice of psychology includes, but is not limited to, (a) psychological testing and the evaluation or assessment of personal characteristics, such as intelligence; personality; cognitive, physical, and/or emotional abilities; skills; interests; aptitudes; and neuropsychological functioning; (b) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; (c) diagnosis, treatment, and management of mental and emotional disorder or disability, substance use disorders, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; (d) psychoeducational evaluation, therapy, and remediation; (e) consultation with physicians, other health care professionals, and patients regarding all available treatment options, including medication, with respect to provision of care for a specific patient or client; (f) provision of direct services to individuals and/or groups for the purpose of enhancing individual and thereby organizational effectiveness, using psychological principles, methods, and/or

~~procedures to assess and evaluate individuals on personal characteristics for individual development and/or behavior change or for making decisions about the individual, such as selection; and (g) the supervision of any of the above. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered. (See Section G for Limitation of Practice and Maintaining and Expanding Competence and Section J for Exemptions.)~~

~~1. "Psychologist" means (a) any person licensed as a psychologist under this Act and (b) any general applied psychologist (see 5b below) whose practice areas are specifically exempted under this act, and includes a person representing himself or herself to be a psychologist if that person uses any title or description of services incorporating the words psychology, psychological, or psychologist, or if he or she uses any term that implies that he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or groups of individuals services defined as the practice of psychology in this Act. The title "psychologist" is also used by psychologists who are exempt from licensure as specified in Section J of this Act in their roles as teachers, researchers and/or general applied psychologists acting outside the licensed scope of practice.~~

~~D. "Applied psychologist" is one who provides services to individuals, groups, and/or organizations. Within this broad category there are two major groupings those who provide health related services to individuals and those who provide other services to individuals and/or services to organizations. Although licensure is generic, some of the Board's Rules and Regulations need to account for variations in relevant training, supervision, and practice.~~

~~a. "Health service provider" (HSP)~~

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

~~e. "General applied psychologist"~~

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

~~2. "Specialty" is a defined area of psychological practice which requires advanced knowledge and skills acquired through an organized sequence of education and training. The advanced knowledge and skills specific to a specialty are obtained subsequent to the acquisition of core scientific and professional foundations in psychology.~~

~~3. "Developed areas of practice" have all of the following characteristics:~~

~~• National recognition of the practice area by a national organization(s) whose purpose includes recognizing or representing and developing the practice area, by relevant divisions of the APA, or by involvement in similar umbrella organizations;~~

~~• An accumulated body of knowledge in the professional literature that provides a scientific basis for the practice area including empirical support for the effectiveness of the services provided;~~

~~• Representation by or in a national training council that is recognized, functional, and broadly accepted;~~

~~• Development and wide dissemination by the training council of doctoral educational and training guidelines consistent with the Accreditation Guidelines & Principles;~~

~~• Existence of the practice area in current education and training programs;~~

~~• Geographically dispersed psychology practitioners who identify with the practice area and provide such services.~~

~~4. "Emerging area of practice" is one that meets some but not all of the six requirements for a developed area of practice, or does not meet some of the requirements completely (e.g., there is some professional literature providing a scientific basis, but not an "accumulated body of knowledge" in that literature).~~

5. ~~"Client" or "patient" is used to refer to the direct recipients of psychological services, which may include child, adolescent, adult, older adult, couple, family, group, organization, community, or any other individual. In many situations there are important and valid reasons for using such terms as consumer or person in place of client or patient to describe the recipients of services. 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.~~

~~"Patient" is used 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, organization, community, or any other individual.~~

~~"Client" is a more generic term used by many professions including psychology to refer to the direct recipients of services. For the purposes of this Act, client refers to the 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.~~

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

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

#### **F.C. State Psychology Board**

##### **1. Board Organization**

~~There is hereby created the (name of state) State Psychology Board. The Board shall consist of minimally six~~seven~~ licensed psychologists and one~~two~~ public members. Members should be representative of teaching, training, and the professional practice of psychology.~~

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.

~~Psychologist Board~~Professional board members shall be actively licensed to practice in good standing in this state. Each psychologist serving on the Board shall have 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. Board members shall be appointed who are free from conflicts of interest in performing the duties of the Board. 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.

Newly appointed board members shall receive an orientation regarding the board's specific laws and rules, disciplinary procedures, and the role and responsibilities of a board member, such as state ethics training regarding open meetings, public records, and financial conflicts of interest.

### 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.

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

In addition to the powers set forth elsewhere in this Act, the Board may adopt rules and regulations necessary to carry out the provisions of this Act. This includes the processes for receiving and investigating complaints.

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

### 4. Fees

The Board shall, 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.

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

### 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**

### 2.1. 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 model 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 which reflects an integration of the science and practice of psychology. A formal training program accredited by the American Psychological Association or Canadian Psychological Association 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 below (D1) 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.

## a. Educational requirements

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 his or her their doctoral program in psychology meets all of the following requirements:*

- (1) *Training for professional 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 professional 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 whether or not the program cuts across administrative lines.*
- (4)(5) *The program must integrate empirical evidence and practice such that practice is evidence-based and evidence is practice-informed.*
- (6) *The training program must be sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training an integrated, organized sequence of study.*
- (5)(7) *The program engages in actions that indicate respect for and understanding of cultural and individual differences and diversity.*
- (6)(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.*
- (7)(9) *The program must have an identifiable body of students who are matriculated in that program for a degree.*
- (8)(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 prior and a minimum of one year's residency (or the equivalent) thereof 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*

Some content areas may appropriately be taught by integrating content across the curriculum, or this requirement may be met through substantial instruction in each of these foundational areas, as demonstrated by evidence of an integrated curriculum or a minimum of three graduate semester hours, 4.5 or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of fifteen hours of classroom instruction per semester hour), or the equivalent scientific and professional ethics and standards;

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

~~(9)(13) All professional programs in fields within health service psychology education programs in psychology shall include course requirements in developed practice areas/specialties.~~

~~(10)(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 traditional or developed practice area must complete a retraining program and/or appropriate supervised experience (e.g., internship in the developed practice area). Similarly, psychologists trained in HSP programs who intend to practice in general applied psychology non-exempt areas and psychologists trained in general applied psychology areas who intend to provide health services must first acquire the appropriate training and supervision*

*The Board shall issue a provisional license to applicants for licensure as a Licensed Psychologist in accordance with the rules and regulations promulgated by the Board. A provisional licensee must 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 prior to before obtaining the license. This training may be completed prior or subsequent to the granting of the doctoral degree. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be a predoctoral internship which may be completed as a part-time intern over a two-year period provided that the total experience is the equivalent of one year of full-time experience. By seven years post adoption of these regulations, all licensure applicants prepared for practice in the health services domain must minimally have completed an APA or CPA accredited (or equivalent) predoctoral internship. For applicants prepared for practice in the general applied (non-HSP) domain of psychology, whose graduate programs may not have formal internships, the option to obtain all supervision post doctorally should be available. In rules and regulations, the Board must define acceptable supervised experience at the predoctoral and postdoctoral levels as well as mechanisms for evaluation of this experience. Boards 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 that are appropriate for both HSP and GAP practice. Psychologists are required to limit their practice to their demonstrated areas of professional competence. Experience should be compatible with training.*

*To obtain licensure, applicants shall demonstrate that they have completed the equivalent of two full-time years of sequential, organized, supervised professional experience. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be an APA or CPA accredited (or equivalent) predoctoral internship. For applicants prepared for practice in the general applied domain of psychology, whose graduate programs may not have formal internships, the option to obtain all supervision post doctorally should be available. The criteria for appropriate supervision shall be in accordance with regulations to be promulgated by the Board. Experience shall be compatible with the knowledge and skills acquired during formal doctoral and/or postdoctoral education in*

*accordance with professional requirements and relevant to the intended area of practice. General Applied (non HSP) Psychologist trainees may be supervised by an appropriate licensed psychologist outside the supervisee's place of employment so long as (a) the supervisee's employer engages the licensed supervisor to provide the required supervision; and (b) the supervisor assumes responsibility for the training of the supervisee. Applicants shall be required to show evidence of good character, e.g., that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed.*

*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 ~~or general applied psychologist~~. 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.

*The Board shall administer examinations to qualified applicants on at least an annual basis. The Board shall determine the subject matter and scope of the examination and shall require a written, and may require an oral, examination of each candidate for licensure. The written examination shall evaluate the basic core of knowledge in the discipline of psychology necessary to practice while any oral exams or work samples shall be representative of the applicant's area of practice as either a health service provider or general applied psychologist. The Board at its discretion, according to rules and regulations promulgated by the Board, may waive said examination of candidates for licensure.*

*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.

*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 Providers in Psychology~~ ~~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) prior to 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.

**G.E. Temporary Practice and Interstate Practice of Psychology**

Psychologists may have legitimate interests in practicing in another jurisdiction for a limited amount of time. 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 a 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. The psychologist must have an earned doctoral degree and be actively licensed in good standing in another jurisdiction.

Interjurisdictional practice is particularly critical for the practice of general applied psychology as frequently this involves activities crossing jurisdictional lines, such as engaging with employees of organizations operating in several jurisdictions. For those activities that fall under the licensed scope of practice of psychology, the provider of general applied psychological services should indeed be licensed. However, since increasingly, the provision of such services frequently does not involve face-to-face meetings but rather, these services are being provided telephonically and electronically across state lines, this section recognizes this practice and permits the provision of general applied psychological services in this manner provided that the provider of the services is licensed in at least one jurisdiction and is not using this section to avoid the requirement of licensure entirely.

Mechanisms may have been developed to alleviate some of these difficulties and provide for easy interstate recognition of licensure for psychologists. Jurisdictions are encouraged to adopt and implement such 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 or certified as a psychologist under the laws of another jurisdiction, provided that the aggregate of sixty (60) thirty (30) days per year of professional in person or telepsychology services as a psychologist under the provision of this subsection is not exceeded. Prior to providing services in this state, a doctoral level licensed psychologist from another jurisdiction should provide written notice to the Board as more fully described in the regulations, specifying of the type of services to be provided, approximate duration of such services along with documentation of licensure and consent to operating practicing under the jurisdiction, laws, and regulations of this state. Notice does not require approval of the Board prior to before delivery of

*service if the aggregate of 6030 days of services is ~~maintained~~not exceeded and the individual does not establish an ongoing, regular, professional practice in the jurisdiction.*

*Nothing in this Act shall be construed to prohibit an individual not domiciled in the state who does not practice psychology in an office or other place of business in the state from providing general applied psychological services telephonically and electronically if the individual holds an earned doctoral degree in psychology from an institution of higher education and is licensed or certified as a psychologist under the laws of another jurisdiction. Written notice is not required for the interjurisdictional provision of general applied psychological services that are delivered solely by telephonic or electronic means.*

*In disaster situations, the time frame and conditions under which psychologists actively licensed in good standing under the laws of another jurisdiction ~~will~~<sup>may</sup> provide disaster services ~~in the~~<sup>under this state's jurisdiction</sup> ~~will~~<sup>shall</sup> 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.*

#### **H.F. Temporary 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 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 ~~or certification~~ 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 ~~one year~~<sup>six months</sup>, provided that the psychologist has made application to the Board for licensure and has met the educational and experience requirements for licensure in this state. Denial of licensure terminates this authorization. The Board may choose to waive examination if a psychologist is licensed in another jurisdiction ~~on the basis of~~ that jurisdiction's qualifications that are not less than those required for licensure in this state.*

#### **I.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 forms<sup>a process</sup> 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, industrial-organizational psychology, and other developed practice areas.

Psychologists 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 psychologists 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 psychologist's licensee's area of practice change significantly, then the psychologist licensee ~~shall~~<sup>may</sup> 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. Psychologists Licensees practicing in emerging areas take reasonable steps to ensure the competence of their work by using relevant research, training, consultation, or study.

*The Board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. The Board shall develop structures<sup>a process</sup> to ensure that psychologists 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.*

**J.H. Inactive Status/Reinstatement of Licensure**

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

**2.1. Inactive or Lapsed License**

A ~~psychologist licensee~~ in good standing who will not be practicing in the state for at least one year may petition the Board to have ~~his or her~~ ~~their~~ license placed on inactive status without penalty. When such ~~psychologist licensee~~ wishes to return to practice, ~~the individual must submit an application shall be made~~ to the Board, which ~~shall reinstate him or her upon payment of the registration fee for the current year includes payment of the renewal fee and compliance with the f~~continuing [education or continuing 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.

**3.2. 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, workshop presentations, 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] fcontinuing [education or continuing 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.

**K.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 ~~are provided with~~ have the authority to suspend or revoke licenses and to prescribe conditions for reinstatement.

It shall be a violation of this Act for any person not licensed in accordance with the provisions of this Act to represent himself or herself ~~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 himself or herself ~~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 shall be fined accordingly, not less than \_\_\_\_\_ dollars and not more than dollars and, in addition thereto, may be imprisoned for not more than \_\_\_\_\_ months depending on the state's criminal code. Each day such person shall practice psychology without meeting all the requirements of all laws now in force and of this Act shall constitute a separate offense. Any person filing or attempting to file, as his or her ~~their~~ own, a diploma or license of another or a forged

~~affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for fraud, forgery, and/or misrepresentation in the second degree as defined in state law.~~

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

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

#### **L.J. Exemptions**

1. There should be an exemption from licensure for ~~persons~~ ~~psychologists~~ engaged solely in teaching in academic institutions, ~~or~~ ~~conducting~~ research in academic and/or research institutions, ~~or~~ ~~working in the applied areas of the~~ ~~psychology field~~. In addition, those general applied (non HSP) psychologists who provide services for the benefit of the organization as described in B.5.b.2 but not as described in B.5.b.1 and not involving direct services to individuals should be exempt from licensure and be allowed to refer to themselves as psychologists. The exemption should not be determined on the basis of work setting or place of primary employment, but on the basis of the purpose of the activity as defined in Section B3 (Practice of psychology). The exemption should not be allowed if the individual engages in the direct delivery or supervision of psychological services ~~for the purposes of assessing, evaluating, diagnosing, preventing, or treating behavioral or emotional functioning, health, or impairment to individuals or groups of individuals in any setting. Persons Psychologists~~ engaged in teaching, ~~or~~ ~~research, or~~ ~~applied areas of psychology~~ should not be excluded from licensure are not prohibited from pursuing licensure if they meet the statutory requirements for licensure.

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

~~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 to be ~~as~~ psychologists.

~~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 that 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 do not 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, provided that if they neither do not represent themselves to be 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 ~~Model~~ Act included an exemption for the use of the terms “school psychologist” or “certified school psychologist” for all individuals credentialed by the state agency regulating practice in public schools (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 and continues to restrict those individuals to practice within those settings. Additionally, the title so conferred of such practitioners, which must include the word “school” (e.g., “school psychologist”) to reflect accurately their is to be used solely while engaged in employment practice scope within those such settings.

*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, which must shall include the word “school,” to employment practice scope within those employment settings.*

*This provision is not intended to restrict the activities of ~~Licensed~~ ~~p~~ 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 includes such as “psychological trainee,” “psychological intern,” “psychological resident,” “psychological testing technician,” or “psychological assistant.” would be permissible under this exemption. The supervising psychologist is responsible for the professional actions of the student, trainee, or assistant. The Board is required to adopt regulations defining the nature and extent of training for qualified technicians or assistants and supervision for each category.

*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 by 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,” “psychological associate,” 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 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;*
- an unlicensed individual pursuing ~~postdoctoral~~~~post-degree~~ training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act; or*
- a qualified assistant or technician, or associate employed by, or otherwise directly accountable to, a licensed psychologist. Such individuals may, among other things, administer and score neuropsychological tests at the request of the supervising psychologist, but may not interpret such tests. The Board ~~in regulations~~ shall issue regulations determining the number of assistants and technicians and associates that a psychologist may employ, their qualifications, and the conditions under which they ~~ir~~ work ~~will~~ must be supervised overseen.*

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

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

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

extending licensure to those psychologists should be enacted.

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

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

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

*b.* ~~Completion of the jurisprudence examination of that jurisdiction with a passing grade.~~

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

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

~~In order to have an effective law, the Board must have the power to suspend and revoke a license. Actions that are a violation of the enforceable standards of the APA Ethical Principles of Psychologists and Code of Conduct in effect at the time of the activities and other standards subscribed to by the Board should be clearly stated in the licensing law. Two considerations are specified below that refer to specific points in the text that follows:~~

**Concerning Numbers 6 and 7**

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

**Concerning Number 17**

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

*A psychologist licensee and anyone under his or her~~their~~ supervision shall conduct his or her~~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 psychologist 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 psychologist licensee has engaged in any of the following acts or offenses:*

1. *fraud in applying for or procuring a license to practice psychology;*
2. *immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the Board;*
3. *practicing psychology in such a manner as to endanger the welfare of clients or patients;*
4. *conviction of a felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);*
5. *conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;*
6. *harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;*
7. *engaging in sexual intercourse or other sexual contact with a client, 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. *the suspension or revocation received disciplinary action by another state or on a license to practice psychology (a*

*certified copy of the record of suspension or revocation disciplinary action of by the state making such a suspension or revocation decision shall be conclusive evidence thereof;*

14. refusal to appear before the Board after having been ordered 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 and 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 by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition 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 or not a psychologist licensee experiences a circumstance that is physically or mentally capable affecting their ability to practice psychology with reasonable skill and safety to patients or clients, then upon a showing of probable cause (e.g., it is more likely than not) to the Board is required that the psychologist 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 psychologist licensee in question to submit to a psychological examination by a licensed psychologist to determine psychological status and/or a physical medical examination by a licensed physician to determine physical condition impairment. Such psychologist and/or physician is to be designated by the Board. The expense of such examination shall be borne by the Board. Where the psychologist raises the issue of mental or physical competence or appeals a decision regarding his or her their mental or physical competence, the licensee psychologist shall also be permitted to obtain his or her their own evaluation at the psychologist's their expense. If the objectivity or adequacy of the examination is suspect, the Board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity competency to practice is at issue, every psychologist licensed to practice psychology licensee in the state shall be deemed to have given consent to submit to a mental or physical professional examination(s) as related to the areas of competence in question or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

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

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

The Board 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 psychotherapy patient or client, or with a former psychotherapy patient or client for a period of two years following the date of the last professional contact with the former patient or client.

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

*and regulations duly promulgated pursuant thereto.*

*Any licensee in this state is required to report to the Board any information such psychologist-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 the licensed psychologist has been retained to review the work of that licensee whose professional conduct is in question. Any psychologist-licensee who in good faith makes such a report to the Board shall be absolutely 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 majority 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 who is ordered to a formal interview refuses to appear for a formal interview before the Board refuses to appear for such interview, such 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 suspend suspension or revoke revocation of the individual's license of such psychologist. 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 that these provisions conflict with the state's general administrative procedures, these specific provisions will take precedence. The psychologist-licensee shall be informed of his or her rights concerning Board hearings and investigations:*

- 1. the right to a hearing within a reasonable period of time 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;*
- 2.1. the right to notice that a complaint has been filed and to be provided with a copy of the complaint within 120-[x] days of receipt of the complaint and the licensed psychologist-licensee and the complainant is 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;*
- 3.2. 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;*
- 5.6. 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;*
- 6.7. 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;*
- 7.9. 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;*
- 8.10. 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;*
- 9.11. a determination of the size of the vote necessary to find a violation;*
- 10.12. a determination whether the hearing will be closed or open to the public;*
- 11.13. the right not to have Board members who were on the investigative committee also appear on the formal hearing panel.*
- 12.14. 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 his or her rights 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, if the Board finds that evidence in its possession indicates that the licensee's continuation in practice may constitute an immediate danger to the public. 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 his or her 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 his or her 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.

Subsequent to 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 psychologist 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.
- 4.5. 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.
- 5.6. 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.
- 6.7. 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.
7. The Board shall report any formal adverse actions to the National Practitioner Data Bank as required by law.
9. -

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.

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

This section regulates and limits the powers of the judicial system. The courts or other administrative agencies with subpoena power have the right to make use of all relevant information in the judicial fact-finding process unless this right of access to information is specifically limited. Historically, courts and legislatures have been charged with fact-finding in order to seek truth and administer justice. At the same time, they have attempted to maintain the integrity of the confidential and private relationship between the psychologist psychology professional and patient or client. However, some societal issues have emerged, such as child abuse and sexual abuse, that have changed the absolute nature of privileged communication. Though the privilege 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, although the psychologist and the psychology professional may assert it 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 ~~psychologist~~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 ~~to~~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 ~~are~~is governed by the relevant sections of the APA Ethics Code.

*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 ~~his or her~~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 ~~psychologist~~ 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 ~~his or her~~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 ~~psychologist~~ 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*~~psychologist~~*;*
5. *in the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the ~~psychologist~~ licensee;*
6. *in any proceeding in which the party relies upon ~~his or her~~their mental or emotional condition as an element of the party's claim or defense;*
7. *where the patient or client is examined ~~pursuant to~~ 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.*

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

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

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

#### **Q.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. (2002). Ethical principles of psychologists and code of conduct. *American Psychologist*, 57, 1060-1073.

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

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