

1 HB326
2 125405-3
3 By Representative DeMarco
4 RFD: Health
5 First Read: 24-MAR-11

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8 SYNOPSIS: Under existing law, psychologists and
9 psychological technicians are licensed by the State
10 Board of Examiners in Psychology.

11 This bill would transfer the existing law
12 regarding the board and its licenses contained in
13 Chapter 26 of Title 34 of the Code of Alabama 1975,
14 to a new Chapter 26A. This bill would provide for a
15 continuation of the rights, duties, property, and
16 membership of the board under the new chapter.

17 This bill would further define what
18 constitutes the practice of psychology and would
19 provide further for the duties of a psychologist
20 and psychological technician.

21 This bill would further define what
22 constitutes a privileged communication between a
23 psychologist or a psychological technician and his
24 or her client. This bill would provide
25 circumstances in which the privilege may not be
26 claimed by a client.

1 This bill would require the board to
2 establish a code of conduct for licensees.

3 This bill would further provide for the
4 composition, terms, duties, and powers of the
5 members of the board.

6 This bill would provide for licensure fees
7 and requirements.

8 This bill would provide for the limited
9 practice of psychology by licensees of other
10 jurisdictions.

11 This bill would provide for the issuance of
12 temporary licenses and provisional licenses.

13 This bill would authorize the board to
14 conduct background checks on applicants for
15 licensure.

16 This bill would authorize certain licensees
17 to apply for inactive status.

18 This bill would limit liability for certain
19 actions by a psychologist or a psychological
20 technician.

21 This bill would further provide for the
22 collection of a fee from applicants for licensure
23 and the disposition of the fee.

24 This bill would provide for the grounds in
25 which the board could refuse to issue a certificate
26 for a license or could revoke or suspend a license.

27 This bill would provide penalties.

1 This bill would provide a procedure for
2 processing complaints against licensees of the
3 board.

4 Amendment 621 of the Constitution of Alabama
5 of 1901, now appearing as Section 111.05 of the
6 Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, prohibits a general
8 law whose purpose or effect would be to require a
9 new or increased expenditure of local funds from
10 becoming effective with regard to a local
11 governmental entity without enactment by a 2/3 vote
12 unless: it comes within one of a number of
13 specified exceptions; it is approved by the
14 affected entity; or the Legislature appropriates
15 funds, or provides a local source of revenue, to
16 the entity for the purpose.

17 The purpose or effect of this bill would be
18 to require a new or increased expenditure of local
19 funds within the meaning of the amendment. However,
20 the bill does not require approval of a local
21 governmental entity or enactment by a 2/3 vote to
22 become effective because it comes within one of the
23 specified exceptions contained in the amendment.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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To create a new Chapter 26A and to repeal Chapter 26 of Title 34, Code of Alabama 1975; to provide for the membership, terms, powers, and duties of the Alabama Board of Examiners in Psychology; to provide for licensure of applicants for licensed psychologists and licensed psychological technicians; to provide requirements for licensure; to provide for fees and categories of licenses; to limit liability; to provide for continuation of the membership of the board and all actions of the board under prior law; to provide penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 26 of Title 34, Code of Alabama 1975, is repealed in its entirety.

Section 2. Article 1 of Chapter 26A of Title 34, comprised of Sections 34-26A-1 to 34-26A-6, inclusive, is added to the Code of Alabama 1975, to read as follows:

Article 1.

§34-26A-1.

This act shall be known and may be cited as the "Alabama Psychology Licensure Act."

§34-26A-2.

1 (a) For the purpose of this chapter, the following
2 terms have the following meanings:

3 (1) BOARD. The Alabama Board of Examiners in
4 Psychology.

5 (2) CLIENT/PATIENT. A direct recipient of
6 psychological services within the context of a professional
7 relationship including a child, adolescent, adult, couple,
8 family, group, organization, community, or other populations,
9 or other entities receiving psychological services. In some
10 circumstances, such as an evaluation that is court-ordered, or
11 requested by an attorney, an agency, or other administrative
12 body, the client may be the individual or entity requesting
13 the psychological services and not necessarily the recipient
14 of those services.

15 (3) LICENSED. Having a license issued by the board
16 which grants the authority to engage in the autonomous
17 practice of psychology.

18 (4) RULES. The set of administrative rules of
19 professional conduct that have been developed by the board to
20 protect the public welfare by providing rules that govern a
21 psychologist's behavior within a professional relationship.

22 §34-26A-3.

23 (a) The practice of psychology is defined as the
24 research, observation, description, evaluation,
25 interpretation, and modification of human behavior by the
26 application of psychological principles, methods, and
27 procedure for any of the following purposes:

1 (1) Preventing, eliminating, evaluating, assessing,
2 or predicting symptomatic, maladaptive, or undesired behavior.

3 (2) Evaluating, assessing, and facilitating the
4 enhancement of individual, group, and organizational
5 effectiveness, including personal effectiveness, adaptive
6 behavior, interpersonal relationships, work and life
7 adjustment, health, and individual, group, and organizational
8 performance.

9 (3) Assisting in legal decision making.

10 (b) The practice of psychology includes, but is not
11 limited to, the following:

12 (1) Psychological testing and evaluation or
13 assessment of personal characteristics, such as intelligence;
14 personality; cognitive, physical, and emotional abilities;
15 skills; interests; aptitudes; and neuropsychological
16 functioning.

17 (2) Counseling, psychoanalysis, psychotherapy,
18 hypnosis, biofeedback, and behavior analysis and therapy

19 (3) Diagnosis, treatment, and management of mental,
20 cognitive, and emotional disorder or disability, substance use
21 disorders, disorders of habit or conduct, as well as of the
22 psychological aspects of physical illness or condition,
23 accident, injury, or disability.

24 (4) Psychoeducational evaluation, therapy, and
25 remediation.

26 (5) Consultation with physicians, other health care
27 professionals, and patients regarding all available treatment

1 options, including medication, with respect to provision of
2 care for a specific patient or client when the informed
3 opinions of the psychologist are based on the psychologist's
4 education, training, supervised experience, or other relevant
5 professional experience.

6 (6) Provision of direct services to individuals and
7 groups for the purpose of enhancing individual and thereby
8 organizational effectiveness, using psychological principles,
9 methods, and procedures to assess and evaluate individuals on
10 personal characteristics for individual development and
11 behavior change for making decisions about the individual,
12 such as selection.

13 (7) The supervision of any of the above.

14 (c) The practice of psychology shall be construed
15 within the meaning of this section without regard to whether
16 payment is received for services rendered or if the practice
17 was conducted in person or via electronic means.

18 §34-26A-4.

19 (a) For the purposes of this chapter, the two levels
20 of psychological practice are as follows:

21 (1) Psychologist.

22 (2) Psychological technician.

23 (b) (1) A person practices as a psychologist within
24 the meaning of this chapter when he or she holds himself or
25 herself out to be a psychologist or renders to individuals or
26 to the public for remuneration any service involving the
27 application of recognized principles, methods, and procedures

1 of the science and profession of psychology as defined in this
2 chapter.

3 (2) A person represents himself or herself to be a
4 psychologist within the meaning of this chapter when he or she
5 holds himself or herself out to the public by any title or
6 description of services incorporating the words psychological,
7 psychologic, psychologist, or psychology or under such title
8 or description offers services as defined in this chapter to
9 individuals, corporations, or the public for remuneration.

10 (3) Psychological services refers to any service
11 under this chapter if the words psychological, psychologic,
12 psychologist, or psychology, are used to describe such
13 services, or used in any report, evaluation, assessment, or
14 public presentation by the person or organization offering to
15 render or rendering them.

16 (c) This section shall not be construed:

17 (1) To prohibit teaching of psychology or conducting
18 psychological research, provided that such teaching or
19 research does not involve the delivery or supervision of
20 direct psychological services.

21 (2) To prevent the provision of general applied
22 psychological services to organizations so long as those
23 services are for the benefit of the organization, and the
24 provision does not involve direct services to individuals.

25 (3) To prevent the provision of expert testimony by
26 psychologists who are otherwise exempted by this act. Persons
27 holding a doctoral degree in psychology from an institution of

1 higher education may use the title psychologist in conjunction
2 with the activities permitted in this subsection.

3 (4) To permit the use of those forms of
4 psychotherapy that in any way infringe upon the practice of
5 medicine as defined in the laws of this state. A psychologist
6 shall not attempt to diagnose, prescribe for, or treat, with
7 reference to problems or complaints falling outside the
8 boundaries of psychological practice.

9 (5) To limit the authority of the Department of
10 Education responsible for regulating public education to
11 credential individuals to provide psychological services as
12 long as individuals so credentialed are limited to practice
13 within settings under the authority and purview of the
14 Department of Education. The individuals may use the term
15 school psychologist or certified school psychologist, but may
16 not use the title psychological associate or licensed
17 psychologist or any other term as defined in this chapter.
18 Individuals so credentialed may only provide psychological
19 services as defined in this chapter in settings under the
20 authority and purview of the Department of Education and only
21 as employees of a school and not as independent contractors,
22 either as an independent contractor of a school or otherwise.

23 (6) To prevent qualified school counselors,
24 vocational guidance counselors, vocational rehabilitation
25 counselors, speech and hearing therapists, speech pathologists
26 and audiologists, reading therapists, or teachers of
27 exceptional children from rendering to the public for

1 remuneration services for which they are qualified by training
2 and experience involving the techniques of interviewing,
3 administering, and interpreting tests of mental abilities,
4 achievement, interests, and aptitudes for such purposes as
5 evaluation or for educational or vocational guidance,
6 selection, or placement so long as they do not hold themselves
7 out to be psychologists, use the term psychologist in their
8 title, or describe their evaluations as representing
9 psychological or neuropsychological assessments.

10 (7) To prevent duly recognized members of the clergy
11 from functioning in their ministerial capacities, provided
12 that they do not represent themselves to be psychologists and
13 they do not provide services that include the practice of
14 psychology, including, but not limited to, conducting
15 psychological evaluations or psychological assessments.

16 (8) To prevent other recognized professions that are
17 licensed, certified, or regulated under the laws of this state
18 from rendering services consistent with their professional
19 training and code of ethics and established rules provided
20 that they do not represent themselves to be psychologists.

21 (9) To prevent persons under the supervision of a
22 licensed psychologist from engaging in activities defined as
23 the practice of psychology, provided the persons do not
24 represent themselves by the title psychologist, in accordance
25 with rules promulgated by the board. Persons who are preparing
26 for the profession of psychology may use terms such as
27 psychological trainee or psychological intern or psychological

1 resident or psychological fellow. Other persons may use the
2 term psychological technician. All such persons must perform
3 their activities under the supervision and responsibility of a
4 licensed psychologist in accordance with the rules promulgated
5 by the board.

6 (d) This chapter shall not apply to any person other
7 than:

8 (1) A matriculated graduate student in psychology
9 whose activities constitute a part of the course of study for
10 a graduate degree in psychology at an institution of higher
11 education.

12 (2) An unlicensed individual pursuing postdoctoral
13 training or experience in psychology, including persons
14 seeking to fulfill the requirements for licensure under this
15 chapter.

16 (e) (1) A person practices as a psychological
17 technician within the meaning of this chapter when he or she
18 holds himself or herself out to be a psychological technician.
19 A psychological technician may not use the title psychologist
20 or hold himself or herself out to the public or knowingly
21 allow himself or herself to be held out to the public as a
22 psychologist. A licensed psychological technician shall not
23 practice or present himself or herself outside the area of
24 competence as approved by the board based upon the examination
25 and review of the qualifications, training, and experience of
26 the individual. A psychological technician with adequate

1 training may directly provide any of the following services
2 without supervision:

3 a. Administration and interpretation of tests: A
4 psychological technician may administer and interpret tests of
5 intelligence, achievement, aptitudes, and interests, and
6 testing for educational or vocational selection, guidance, or
7 placement.

8 b. Interviewing and screening: A psychological
9 technician may conduct initial screening interviews which may
10 lead to referrals for more extensive evaluation or treatment.
11 A psychological technician may also administer adjective
12 checklists, behavior rating scales, and other rating devices
13 which may be completed by a variety of professional and
14 non-professional observers.

15 c. Psychoeducational interventions: A psychological
16 technician may provide didactic psychoeducational services to
17 individuals or groups.

18 (2) A psychological technician who meets the
19 education and training requirements of this chapter shall not
20 provide any of the following services except under the
21 qualified supervision of a licensed psychologist:

22 a. Personality appraisal. Personality appraisal as
23 performed by the psychological technician is defined as any
24 objective assessment or evaluative technique that leads to
25 conclusions, inferences, and hypotheses regarding personality
26 functioning. Included are all statements relative to
27 personality attributes, features, traits, structure, dynamics,

1 and pathology or assets. These activities shall allow for the
2 process of deciding the nature of the psychological disorder
3 or condition.

4 b. Clinical intervention. Clinical intervention
5 includes the use of the principles, methods, and procedures of
6 the science and profession of psychology for the treatment of
7 individuals, groups, and families, and behavior management and
8 behavior modification procedures with clinical populations.

9 c. Consultation services. Services provided to other
10 agencies by psychological technicians acting in the role of
11 consultants are subject to the same rules for supervision as
12 services provided directly by the psychological technician in
13 his or her place of employment.

14 d. Assistance with forensic assessments and
15 neuropsychological evaluations. A psychological technician may
16 assist a trained neuropsychologist in the administration of
17 neuropsychological procedures or a qualified psychologist in
18 forensic assessment. Independent forensic assessments and
19 neuropsychological evaluations are outside of the scope of
20 practice for psychological technicians.

21 §34-26A-5.

22 (a) Subject to subsection (c), for the purpose of
23 this chapter, the confidential relations and communications
24 between licensed psychologists or licensed psychological
25 technicians and their clients are privileged and placed upon
26 the same basis as those provided by law between attorney and

1 client, and nothing in this chapter shall be construed to
2 require any such privileged communication to be disclosed.

3 (b) In judicial proceedings, whether civil,
4 criminal, or juvenile; in legislative and administrative
5 proceedings; and in proceedings preliminary and ancillary
6 thereto, a client or patient, or his or her guardian or legal
7 representative, may refuse to disclose or prevent the
8 disclosure of confidential information, including information
9 contained within administrative records, communicated to a
10 psychologist licensed or otherwise authorized to practice
11 psychology within this chapter and his or her agents,
12 students, interns, and trainees under the supervision of a
13 licensed psychologist, and his or her agents for the purpose
14 of diagnosis, evaluation, or treatment or any mental or
15 emotional condition or disorder. In the absence of evidence to
16 the contrary, the psychologist is presumed authorized to claim
17 the privilege on the client's or patient's behalf.

18 (c) The privilege may not be claimed by the client
19 or patient or on his or her behalf by authorized persons, in
20 any of the following circumstances:

21 (1) Where any abuse or harmful neglect of children,
22 the elderly, or disabled or incompetent individuals is known
23 or suspected.

24 (2) Where the validity of a will of a former client
25 or patient is contested.

1 (3) Where such information is necessary for the
2 psychologist to defend against a malpractice act brought by
3 the client or patient.

4 (4) Where an immediate threat of physical violence
5 against a readily identifiable victim is disclosed to the
6 psychologist.

7 (5) Where an immediate threat of self-harm is
8 readily disclosed to the psychologist.

9 (6) Where the client or patient, by alleging mental
10 or emotional damages in litigation, puts his or her mental
11 state at issue.

12 (7) Where the client or patient is evaluated
13 pursuant to a court order.

14 (8) When the purpose of the proceeding is to
15 substantiate and collect on a claim for mental or emotional
16 health services rendered to the patient or any other cause of
17 action arising out of the professional relationship.

18 (9) In the context of investigations and hearing
19 brought by a client or patient and conducted by the board,
20 where violations of this chapter are at issue.

21 §34-26A-6.

22 The board shall establish a code of conduct to
23 govern the practice of licensed psychologists and licensed
24 psychological technicians. The code of conduct may not be
25 adopted by reference from any other professional society or
26 association, but shall be generated by the board through its
27 rules and shall contain such specificity in its requirements

1 that a reasonable licensed psychologist would understand its
2 meaning and requirements in accordance with the principles of
3 due process and equal protection under the law.

4 Section 3. Article 2 of Chapter 26A of Title 34,
5 comprised of Sections 34-26A-20 and 34-26A-21 is added to the
6 Code of Alabama 1975, to read as follows:

7 Article 2.

8 §34-26A-20.

9 (a) (1) There is created an Alabama Board of
10 Examiners in Psychology comprised of seven persons who are
11 residents of this state, who shall be appointed by the
12 Governor as provided in this section. Five members shall be
13 licensed psychologists under this chapter. One member shall be
14 licensed as a psychological technician or qualified for
15 licensure as a psychological technician under this chapter.
16 One member shall be a member of the general public, an Alabama
17 resident who is not licensed by the board, and, if married,
18 whose spouse is not licensed by the board. Vacancies for
19 unexpired terms shall be filled by the Governor as provided in
20 this section.

21 (2) The board shall perform those duties and
22 exercise those powers provided in this chapter. No member of
23 the board shall be liable in a civil action for any act
24 performed in good faith and within the scope of duties of the
25 board. Nothing in this chapter shall be construed to prevent
26 individuals from pursuing legal action against the board under

1 any applicable state laws, including the Administrative
2 Procedure Act.

3 (3) Those members of the board serving on the
4 effective date of this chapter shall continue to serve until
5 the expiration of their current terms.

6 (b) Not later than October 1 of each year, the
7 Executive Committee of the Alabama Psychological Association,
8 or of its successor organization, shall submit to the Governor
9 the names of two qualified candidates for the psychologist
10 position of the board to be vacated by reason of expiration of
11 term of office. The nominations shall be made with due
12 consideration to geographic, gender, racial, and ethnic
13 diversity of the state and without regard to political
14 affiliation. From the two candidates the Governor shall
15 appoint one member not later than January 1 to serve on the
16 board for a term of five years. Other vacancies occurring in
17 the board shall be filled for the unexpired term by
18 appointment of the Governor from two qualified candidates for
19 each vacancy submitted within 30 days after the vacancy occurs
20 by the Executive Committee of the Alabama Psychological
21 Association, or by its successor organization. Those
22 appointments shall be made within 30 days after the
23 candidates' names have been submitted. If the association, or
24 its successor organization, fails to furnish the Governor with
25 the list of persons eligible for appointment to the board, the
26 Governor may appoint any qualified member of the profession of
27 psychology to the vacant position on the board.

1 (c) To fill the psychological technician position on
2 the board, the Executive Committee of the Alabama
3 Psychological Association, or its successor organization,
4 shall submit to the Governor names of two qualified
5 candidates. Within 30 days of the expiration of the term of
6 the psychological technician member of the board or within 30
7 days of a vacancy for any other reason, the Executive
8 Committee of the Alabama Psychological Association, or its
9 successor organization, shall submit to the Governor names of
10 two qualified candidates for the psychological technician
11 member. Within 30 days after the vacancy occurs, the Governor
12 shall appoint a candidate from the names submitted to the
13 psychological technician position on the board.

14 (d) The Governor shall appoint the unlicensed public
15 member of the board within 30 days after a vacancy in this
16 position occurs.

17 (e) Any board member may be removed by the Governor
18 after notice, a hearing, and a finding by the board of
19 incompetence, neglect of duty, malfeasance in office, or moral
20 turpitude.

21 (f) Immediately before entering public duties of the
22 office, the members of the board shall take the constitutional
23 oath of office and shall file the oath in the office of the
24 Governor, who, upon receiving the oath, shall issue to each
25 member a certificate of appointment. The board shall have
26 available for the Governor or his or her representative

1 detailed reports on proceedings and shall make annual reports
2 in the form required by the Governor.

3 (g) The board shall elect annually a chair and vice
4 chair. Each member shall receive the same per diem and travel
5 allowance paid to state employees for each day's attendance at
6 an official meeting of the board. The board shall hold at
7 least one regular meeting each year. Additional meetings may
8 be held at the discretion of the chair or at the written
9 request of any two members of the board. The board shall adopt
10 a seal which shall be affixed to all certificates issued by
11 the board. The board, from time to time, shall adopt rules
12 necessary for the performance of its duties. Four members of
13 the board shall constitute a quorum. The board may hire any
14 assistants necessary to carry on its activities within the
15 limit of funds available to the board. The board may accept
16 grants from foundations, individuals, and institutions to
17 carry on its functions.

18 §34-26A-21.

19 (a) The board shall have authority to administer
20 oaths, to summon witnesses, and to take testimony in all
21 matters relating to its duties. The board shall be the sole
22 agency in this state empowered to certify concerning
23 competence in the practice of psychology and the sole board
24 empowered to recommend licensure for the practice of
25 psychology. The board shall have the power to recognize areas
26 of specialization for practice and supervision, and to ensure
27 through rules and enforcement that licensees limit their

1 practice to demonstrated areas of competence as documented by
2 relevant professional education, training, and experience. No
3 individual shall be issued a license for the practice of
4 psychology who has not been previously certified at the
5 appropriate level of practice by the board. The board shall
6 certify as competent to practice psychology or as competent to
7 practice as a psychological technician all persons who shall
8 present satisfactory evidence of attainments and
9 qualifications under this chapter and the rules of the board.
10 The certification shall be signed by the chair of the board
11 under the adopted seal of the board. The chair, under the
12 direction of the board, shall aid the district attorneys in
13 the enforcement of this chapter and the prosecutions of all
14 persons charged with the violation of its provisions.
15 Psychologists and psychological technicians licensed by the
16 board shall be required to submit annually to the board a
17 completed registration fee for a psychologist and a fee for
18 psychological technicians to be determined by the board. The
19 list of registered psychologists and registered psychological
20 technicians shall be made available to interested individuals
21 or organizations at a nominal charge.

22 (b) The board may implement requirements through its
23 rules that licensees shall engage in annual continuing
24 education activities to renew the license to practice. Those
25 continuing educational activities shall be relevant to the
26 practice of psychology or applicable within the practice of
27 psychology. The board may charge a reasonable fee to register

1 and keep records of licensees' continuing education credits.
2 Failure to engage in continuing education or failure to pay
3 fees for registration of continuing education credits will
4 provide grounds for suspension of licensure.

5 (c) The board may adopt rules as are necessary to
6 implement the requirements of this chapter. The rules shall be
7 adopted pursuant to Chapter 22 of Title 41, the Administrative
8 Procedure Act.

9 Section 4. Article 3 of Chapter 26A of Title 34,
10 comprised of Sections 34-26A-40 to 34-26A-56, inclusive, is
11 added to the Code of Alabama 1975, to read as follows:

12 Article 3.

13 §34-26A-40.

14 (a) Any psychological scientist, including a school
15 psychologist who holds a certificate issued by the State
16 Superintendent of Education, employed by a recognized research
17 laboratory, school, college, university, or governmental
18 agency or department may represent himself or herself by the
19 academic or research title conferred upon him or her by the
20 administration of the laboratory, school, college or
21 university, or any governmental agency or department. Nothing
22 in this section shall be construed as permitting such persons
23 to offer their services to any other persons or organizations
24 as consultants or to accept remuneration for any psychological
25 services other than that of their institutional salaries,
26 unless they have been licensed under this chapter. Visiting
27 lecturers from recognized laboratories, schools, colleges,

1 universities, or any governmental agencies or departments are
2 exempt from this section and may utilize their academic or
3 research titles when presenting lectures or performing any
4 consultation as might be required in their academic or
5 research functions. Students of psychology, psychological
6 interns, and other persons preparing for the profession of
7 psychology under qualified supervision in recognized training
8 institutions or facilities may be designated by such titles as
9 psychological intern, psychological trainee, or others clearly
10 indicating such training status. No individual may employ or
11 use the title licensed psychologist or imply in any way that
12 he or she is licensed by the board unless he or she is
13 actually so licensed and registered under this chapter.

14 (b) No persons working for any recognized state
15 department or agency, research laboratory, school, college, or
16 university shall be required to have any license issued
17 pursuant to this chapter to perform their job duties and
18 responsibilities related to their position or employment
19 status with these entities as long as such duties and
20 responsibilities do not involve direct delivery or supervision
21 of psychological services to individuals or groups or
22 individuals in any setting.

23 §34-26A-41.

24 (a) (1) Any person wishing to obtain a license to
25 practice as a psychologist or psychological technician in this
26 state, who has not heretofore been licensed to do so, shall

1 make application for licensure to the board and in such manner
2 as prescribed by the board.

3 (2) It shall be unlawful for any person to practice
4 psychology as defined in this chapter unless he or she has
5 first obtained a valid license from the board.

6 (b) A candidate for licensure as a psychologist
7 shall furnish to the board satisfactory evidence of all of the
8 following:

9 (1) He or she is of good moral character.

10 (2) He or she is at least 19 years of age.

11 (3) He or she has received a doctoral degree in
12 psychology from an educational institution accredited and
13 recognized by national and regional accrediting agencies as
14 maintaining satisfactory standards. The degree shall be
15 obtained from a recognized program of graduate study in
16 psychology as defined by rules of the board. For areas of
17 professional psychology not accredited and recognized by the
18 American Psychological Association or Canadian Psychological
19 Association, the applicant must show that his or her doctoral
20 program in psychology meets all of the following requirements
21 as established in subsection (d).

22 (c) Applicants trained in institutions outside the
23 United States shall meet requirements as defined by the rules
24 established by the board.

25 (d) Psychologists trained in an area that falls
26 outside the scope of the American Psychological Association
27 accreditation, such as experimental, developmental, or social,

1 and who intend to practice in a traditional or developed
2 practice area shall do all of the following:

3 (1) Complete a retraining program and an appropriate
4 supervised experience, e.g., internship in developed practice
5 area.

6 (2) Demonstrate that they have completed the
7 equivalent of one full-time year of sequential, organized,
8 supervised professional experience. The criteria for
9 appropriate supervision shall be in accordance with rules
10 promulgated by the board.

11 (3) Demonstrate competence in psychology as shown by
12 passing such examinations, written or oral, or both, as the
13 board will prescribe, unless exempted pursuant to this
14 section.

15 (4) He or she is not engaged in unprofessional
16 practices as defined by the rules of the board.

17 (5) He or she has not within the preceding six
18 months failed an examination given by the board.

19 (e) The board may issue a license to any person who
20 is a licensed psychologist of another state, and who applies
21 to the board, provided the licensee of another state shall
22 furnish the board with satisfactory evidence of all of the
23 following:

24 (1) He or she is of good moral character, and holds
25 his or her license in good standing from another state.

26 (2) He or she is at least 19 years of age.

1 (3) He or she has received a doctorate degree in
2 psychology from an educational institution accredited and
3 recognized by national and regional accrediting agencies as
4 maintaining satisfactory standards or, in lieu of a doctorate
5 degree in psychology, a doctorate degree in a closely allied
6 field, if the training received thereof is substantially
7 similar to that required of doctorates obtained from
8 departments of psychology, as described above. If necessary
9 records from the applicant's educational institution may not
10 be obtained to confirm the requirement of this subsection, the
11 applicant shall notify the board as to the reason for the
12 inaccessibility and, if other sufficient documentation exists
13 confirming the applicant's credentials, the board, per its
14 discretion, may waive such requirement.

15 (4) He or she is competent in psychology as shown by
16 the passing of an examination, unless exempted, substantially
17 equivalent to the examinations prescribed in subsection (a),
18 or by the passing of a recognized national examination in
19 psychology, such as American Board of Professional Psychology.

20 (5) He or she is not engaged in unprofessional
21 practices as defined by the rules of the board.

22 (6) He or she has practiced psychology in another
23 state at least four consecutive years prior to application.

24 (7) That the other state under which he or she is
25 licensed gives similar recognition and reciprocal licensing to
26 licensed psychologists of this state.

1 (f) The board shall issue a license to any applicant
2 with a doctoral degree in psychology who is otherwise
3 qualified pursuant to subsections (a), (b), (c), (d), and (e),
4 who is licensed in at least two states or licensed in one
5 state and holds credentials that verify education, and
6 experience and who has passed a recognized national exam. The
7 board retains the right to administer any required
8 jurisdiction-specific examinations prior to awarding the
9 license. The board's mechanism for verifying comparability of
10 education, experience, and examination requirements shall be
11 set forth in its rules.

12 (g) A candidate for licensure as a psychological
13 technician shall furnish the board with satisfactory evidence
14 of all of the following:

15 (1) He or she is of good moral character.

16 (2) He or she is at least 19 years of age.

17 (3) He or she has a master's degree in psychology
18 from a regionally accredited institution of higher education,
19 or has completed the equivalent of a master's degree from an
20 American Psychological Association accredited doctoral program
21 in psychology, as determined by the board.

22 (4) Is competent as a psychological technician, as
23 shown by passing examinations, written or oral, or both, as
24 prescribed by the board.

25 (5) Is not engaged in unprofessional practices as
26 defined by rules of the board.

1 (6) Has not within the preceding six months failed
2 an examination given by the board.

3 (h) A person who is licensed as a psychologist under
4 the provisions of Chapter 26 of Title 34 as of the effective
5 date of this chapter shall be deemed to have met all
6 requirements for licensure under this chapter and shall be
7 eligible for renewal of licensure.

8 §34-26A-42.

9 Every psychology license issued by the board shall
10 expire on September 30th of every year, and shall be renewable
11 for one year if all requirements for renewal, including
12 continuing education requirements are satisfied, and the
13 renewal fee is paid. If license expires because of failure of
14 the licensee to complete reapplication, pay renewal fees, or
15 meet continuing education requirements, the board may renew
16 the license within six months of the expiration date if all
17 delinquencies are remediated, subject only to an additional
18 late fee to be determined by the board in its rules. Failure
19 to renew a license within six months of its expiration date
20 shall have the effect of revocation of the license by
21 operation of law and the license shall be considered lapsed.

22 §34-26A-43.

23 (a) An individual who possesses a valid license to
24 practice psychology independently at the doctoral level by any
25 jurisdiction recognized by the Association of State and
26 Provincial Psychology Boards may practice psychology in
27 Alabama for no more than 30 days each calendar year without

1 applying for a license to practice psychology in Alabama
2 unless exempted pursuant to this section.

3 (b) Any person who possesses a valid license to
4 practice psychology from another jurisdiction under this
5 section shall notify the board in writing of his or her
6 intention to practice psychology in the State of Alabama, the
7 nature of such practice and the proposed dates of such
8 practice; and shall provide to the board a copy of his or her
9 license to practice psychology in another jurisdiction and
10 proof of malpractice insurance in effect. Any duly licensed
11 psychologist who possesses a valid license from any other
12 jurisdiction, who practices in the State of Alabama agrees to
13 submit himself or herself and his or her license to the
14 jurisdiction of the board, its laws, rules, and code of
15 conduct. Any duly licensed psychologist who meets these
16 requirements does not need a temporary license or any prior
17 approval by the board. Failure to meet these requirements may
18 be considered by the board as practicing psychology in Alabama
19 without a license and to be subject to any and all injunctive
20 relief, civil and criminal penalties.

21 (c) In disaster situations the time frame and
22 conditions under which psychologists can provide disaster
23 services in this jurisdiction shall be defined by rules
24 promulgated by the board.

25 §34-26A-44.

26 (a) The board may issue temporary license to an
27 applicant for permanent license. The license shall have the

1 same force and effect as permanent license. The temporary
2 license shall expire 12 months from the date of its issuance
3 and shall be renewable. The board shall have authority to
4 develop rules to govern temporary licenses.

5 (b) The board may issue a provisional license to an
6 applicant for a permanent license. A provisional license shall
7 expire 12 months from the date of issuance unless the board
8 grants an exception or in the event of the granting of a
9 permanent license, whichever occurs first. The board may issue
10 a provisional license to an individual who has passed all
11 examinations and completed all other requirements for
12 permanent licensure except for the supervised work experience
13 requirements. The board shall have authority to develop rules
14 to govern provisional licenses.

15 §34-26A-45.

16 The board shall have all legal authority, including,
17 but not limited to, access to all state and federal criminal
18 and civil databases to conduct background checks on all
19 applicants for licensure. Any information received or
20 retrieved from any database shall be kept in strict compliance
21 with all state and federal statutes and rules governing the use
22 of such information.

23 §34-26A-46.

24 A licensee who holds a current license, and who will
25 not use the title psychologist in Alabama and will not
26 practice psychology in this state, may apply for inactive
27 status without penalty by completing an application of

1 inactive status and submitting the appropriate fee, set by the
2 rules, to the board. A licensee may not use his or her license
3 in this state while that license is on inactive status. A
4 licensee who wishes to reactivate an inactive license must
5 submit to the board an application to reactivate, and
6 appropriate fee, as set in the rules of the board. Once such
7 appropriately completed application and necessary fee is
8 received the board shall reinstate the licensee.

9 §34-26A-47.

10 (a) If any person holds himself or herself out to
11 the public as being engaged in practice as a psychologist or
12 psychological technician, generally or in any specialty area
13 of psychology and when including the terms psychology,
14 psychological, psychologic, or psychologist, and does not then
15 possess in full force and virtue a valid license to practice
16 as a psychologist or psychological technician under this
17 chapter, he or she for each occurrence as defined by rule of
18 the board, shall be guilty of a Class B misdemeanor and, upon
19 conviction, shall be fined not less than five hundred dollars
20 (\$500) nor more than five thousand dollars (\$5,000) plus court
21 costs.

22 (b) In determining the amount of any penalty, the
23 court shall consider the seriousness of the violation,
24 including any threat to the health, safety, or welfare of the
25 public, the unlawful gain or economic benefit gained by the
26 violation, the person's history of previous violation, and the
27 person's efforts to mitigate and comply with this chapter.

1 (c) Administrative penalties assessed in an order
2 under this chapter and not paid within 60 days from the
3 effective date of the final order of the board may be
4 recovered in a civil action brought by the board in the
5 Circuit Court of Montgomery County.

6 (d) Judicial review of an order entered by the board
7 under this section shall be conducted in accordance with the
8 pertinent provisions for the judicial review of contested
9 cases as provided in the Alabama Administrative Procedure Act.

10 (e) The board shall exercise its jurisdiction for
11 disciplinary oversight of licensees for any psychological
12 services, regardless of how or where those services are
13 rendered, even if those services are rendered in another
14 state, federal facility, or foreign country during the period
15 of their licensure. The board shall not accept voluntary
16 surrender of a license on the part of a licensee to avoid
17 possible disciplinary actions by the board. Secure inactive
18 status of a license shall not negate jurisdiction of the board
19 of a licensee's actions during any period of active licensure.
20 If a former licensee or a licensee with inactive status is
21 found to be in violation of the relevant state law or
22 administrative rule, a public announcement of the decision of
23 the board shall be proffered in a manner to be determined by
24 the board.

25 §34-26A-48.

26 When it shall appear to the board that any person
27 has engaged or is about to engage in any act or practice

1 constituting a violation of any provision of this chapter or
2 any rule or order hereunder, the board, in its discretion and
3 in its own name, may bring an action in the Circuit Court of
4 Montgomery County to enjoin such acts or practices, and to
5 enforce compliance with this chapter or any rule or order
6 hereunder, regardless of whether criminal proceedings have
7 been or may be instituted. Upon a proper showing, a permanent
8 or temporary injunction, restraining order, or writ of
9 mandamus shall be granted.

10 §34-26A-49.

11 There shall be no monetary liability on the part of,
12 and no cause of action shall arise against a licensed
13 psychologist or licensed psychological technician in failing
14 to warn of and protect from a client who has communicated to
15 the licensed psychologist or licensed psychological technician
16 a serious threat of physical violence against a reasonably
17 identifiable victim or victims. If there is a duty to warn and
18 protect under the limited circumstances specified above, the
19 duty shall be discharged by the licensed psychologist or
20 licensed psychological technician making reasonable efforts to
21 communicate the threat to the victim or victims and to law
22 enforcement agency. No monetary liability and no cause of
23 action may arise against a licensed psychologist or licensed
24 psychological technician who breaches confidentiality or
25 privileged communication in the discharge of his or her duty
26 as specified in this chapter.

27 §34-26A-50.

1 There shall be paid to the board by each applicant
2 for a permanent license to practice psychology a fee to be
3 determined by the board in its rules, and by each applicant
4 for a permanent license to practice as a psychological
5 technician a fee determined by the board in its rules. No part
6 of any fee shall be returnable under any circumstance other
7 than failure of the board to hold examinations at the time
8 originally announced, whereupon the entire fee may be returned
9 at the option of the candidate. All fees collected in this
10 manner plus renewal fees as outlined in this chapter and all
11 gifts or grants shall be deposited in the State Treasury to
12 the credit of the board. Vouchers in payment of expenses shall
13 be drawn on the state Comptroller signed by the chair or
14 executive officer of the board.

15 §34-26A-51.

16 The board shall charge each candidate for licensure
17 as a psychologist or psychological technician an examination
18 fee sufficient to cover the entire actual costs of the
19 examination and criminal and civil background checks of the
20 applicant.

21 §34-26A-52.

22 Examination of applicants for a license to practice
23 as a psychologist or psychological technician shall be made by
24 the board at least once a year according to methods and in
25 such subject fields as may be deemed by the board to be the
26 most practical and expeditious to test the qualifications of
27 the applicant. The board shall require the examinations to be

1 written or oral, or both. In any written examination the
2 applicant shall be designated by a number instead of his or
3 her name so that his or her identity shall not be disclosed to
4 the members of the board until the examination papers have
5 been graded. The board shall grade the written examinations
6 returned by the candidates and shall keep them for at least
7 one year. A candidate shall be held to have passed the
8 examination upon the affirmative vote of three or more members
9 of the board. Any unsuccessful candidate, upon written request
10 to the board, may see his or her graded paper.

11 §34-26A-53.

12 (a) The board, by majority vote, shall have the
13 power and duty to suspend, place on probation, or require
14 remediation for any psychologist or psychological technician
15 for a specified time, to be determined at the discretion of
16 the board, or revoke any license to practice as a psychologist
17 or psychological technician or take any other action specified
18 in the rules whenever the board finds by a preponderance of
19 the evidence that the psychologist or psychological technician
20 has engaged in any of the following acts or offenses:

21 (1) Fraud or deception in applying for or procuring
22 a license to practice as a psychologist or psychological
23 technician; or in passing the examination provided for in this
24 chapter.

25 (2) Practice as a psychologist or psychological
26 technician under a false or assumed name or the impersonation
27 of another practitioner of a like or different name.

1 (3) Unprofessional conduct as defined in the rules
2 promulgated by the board.

3 (4) Practicing as a psychologist or psychological
4 technician in such a manner as to endanger the welfare of
5 clients or patients.

6 (5) Conviction of felony, a copy of the record of
7 conviction, certified to by the clerk of the court entering
8 the conviction shall be conclusive evidence.

9 (6) Conviction of any crime or offense that reflects
10 the inability of the practitioner to practice as a
11 psychologist or psychological technician with due regard for
12 the health and safety of clients or patients.

13 (7) Harassment, intimidation, or abuse, sexual or
14 otherwise, of a client or patient.

15 (8) Engaging in sexual intercourse or other sexual
16 contact with a client or patient.

17 (9) Use of repeated untruthful or deceptive or
18 improbable statements concerning the licensee's qualifications
19 or the effects or results of proposed treatment, including
20 functioning outside of one's professional competence or area
21 of specialization established by education, training, and
22 experience as recognized by the board.

23 (10) Gross malpractice or repeated malpractice or
24 gross negligence in practice as a psychologist or
25 psychological technician.

1 (11) Aiding or abetting practice as a psychologist
2 or psychological technician by any person not licensed by the
3 board.

4 (12) Conviction of fraud in filing Medicare or
5 Medicaid claims or in filing claims to any third party payer,
6 a copy of the record of conviction, certified to by the clerk
7 of the court entering the conviction, shall be conclusive
8 evidence.

9 (13) Exercising undue influence in such a manner as
10 to exploit the client, patient, student, or supervisee for
11 financial or other personal advantage to the practitioner or a
12 third party.

13 (14) The suspension or revocation by another state
14 of a license to practice as a psychologist or psychological
15 technician, a certified copy of the record of suspension or
16 revocation of the state making such a suspension or revocation
17 shall be conclusive evidence thereof.

18 (15) Refusal to appear before the board after having
19 been ordered to do so in writing by the executive officer or
20 chair of the board.

21 (16) Making any fraudulent or untrue statement to
22 the board.

23 (17) Violation of the rules of the board.

24 (18) Inability to practice as a psychologist or
25 psychological technician with reasonable skill and safety to
26 patients or clients by reason of illness, inebriation, misuse

1 of drugs, narcotics, alcohol, chemicals, or any other
2 substance, or as a result of any mental or physical condition.

3 (19) Engaging in practice as a psychologist or
4 psychological technician before a license is issued.

5 (20) Failure to engage in continuing education or
6 failure to pay fees for registration of continuing education
7 credits.

8 (21) Practice of a level of psychology inappropriate
9 or beyond the scope of the particular license held by the
10 licensee.

11 (22) Failure to comply with any of the respective
12 responsibilities of a supervisor or supervisee as provided in
13 this chapter.

14 (b) When the issue is whether or not a psychologist
15 or psychological technician is physically or mentally capable
16 of practicing as a psychologist or psychological technician
17 with reasonable skill and safety to patients or clients, then,
18 upon a showing of probable cause to the board that the
19 psychologist or psychological technician is not capable of
20 practicing psychology with reasonable skill and safety to
21 patients, the board may petition a court of competent
22 jurisdiction to order the psychologist or psychological
23 technician in question to submit to a psychological
24 examination by a psychologist to determine psychological
25 status and a physical examination by a physician to determine
26 physical condition. The psychologist or physician is to be
27 designated by the court. The expense of the examination shall

1 be borne by the board. Where the psychologist or psychological
2 technician raises the issue of mental or physical competence
3 or appeals a decision regarding his or her mental or physical
4 competence, the psychologist or psychological technician shall
5 be permitted to obtain his or her own evaluation at his or her
6 own expense. If the objectivity or adequacy of the examination
7 is suspect, the board may complete an examination by its
8 designated practitioners at its own expense. When mental or
9 physical capacity to practice is at issue, every psychologist
10 or psychological technician licensed to practice in the state
11 shall be deemed to have given consent to submit to a mental or
12 physical examination or to any combination of such
13 examinations and to waive all objections to the admissibility
14 of the examination, or to previously adjudicated evidence of
15 mental incompetence.

16 (c) The board may assess the cost of any
17 investigation, legal service, legal proceeding, or
18 disciplinary action against any applicant or licensee found to
19 be in violation of this chapter not to exceed five thousand
20 dollars (\$5,000).

21 (d) The board may refuse to grant a certificate, or
22 may recommend suspension of any license for a definite period
23 not to exceed three years. The board, upon satisfactory proof
24 that any applicant or licentiate has been guilty of any of the
25 above offenses, may refuse to grant a certificate to the
26 applicant or may recommend revocation of a license of the
27 licentiate upon a vote of at least four members of the board.

1 After three years from the date of a revocation, an
2 application for reinstatement may be made to the board, and
3 the board, upon favorable action by four of its members, may
4 recommend reinstatement.

5 §34-26A-54.

6 (a) (1) The board shall only consider a complaint
7 against a licensee that is in writing and verified as
8 truthful. Any complaint received by the board alleging
9 professional misconduct on the part of any licensed
10 psychologist related to a court-ordered evaluation or
11 treatment shall first be reviewed and heard by the appointing
12 court. The board may receive complaints about court-ordered
13 evaluations and treatment against a licensee only after being
14 duly noted by the appointing Alabama courts. Any other
15 complaint received by the board alleging professional
16 misconduct on the part of any licensed psychologist or
17 licensed psychological technician, hereinafter referred to
18 collectively as the licensee, shall be sent to the licensee by
19 registered mail and the licensee shall have a minimum of 30
20 days to respond to the complaint. At all times during the
21 process of considering a complaint against a licensee, the
22 licensee shall have the right to benefit of legal counsel.
23 Upon receipt of the complaint and the answer by the licensee,
24 the following shall occur:

25 (2) An investigative committee consisting of the
26 executive officer, the board attorney, and one member of the
27 board, who is a licensed psychologist, shall consider the

1 complaint and the answer and decide if there is probable cause
2 to proceed with legal action against the license of the
3 licensee. If the investigative committee decides there is no
4 basis or probable cause for further action, the complaint is
5 dismissed and no entry of such is made in the permanent record
6 of the licensee. If the investigative committee decides there
7 is probable cause to continue, the board will notify the
8 licensee as to such and hold a hearing with full board present
9 and with court reporter present. The licensee shall be given
10 at minimum 30 days' notice of the hearing.

11 (3) Upon receipt of notice of hearing, the licensee
12 may knowingly and voluntarily waive his or her right to the
13 formal adversary proceeding described in this section. Before
14 the scheduled hearing, the licensee may surrender his or her
15 license when such person is charged with unprofessional
16 conduct and upon receipt of such charge, that person decides
17 to surrender the license, such surrender and acceptance by the
18 board shall constitute acknowledgment of the licensee's guilt
19 as charged.

20 (b) During any and all hearings in front of the
21 entire board in regard to a complaint, the licensee shall have
22 the following:

23 (1) Right to have access to the rules and policies
24 of the board.

25 (2) Right to self-representation or representation
26 during the hearing.

1 (3) Right to discovery: Each side can require from
2 the other side relevant documents, a list of witnesses, and
3 for any expert witnesses, the name, curriculum vitae, and a
4 detailed report of the expert's expected testimony.

5 (4) Right to compel the attendance of, and produce,
6 witnesses and to confront and cross-examine opposing
7 witnesses, and to have witnesses testify under oath.

8 (5) Right to a written decision setting forth the
9 violation, findings of fact, sanctions, and reasons for the
10 sanctions, within a reasonable period following the hearing.

11 (6) The right to an appeal of an administrative
12 order to a court of competent jurisdiction.

13 (c) At the hearing, the matter shall first be
14 presented to the entire board with the investigative committee
15 serving as the presenter of the complaint and evidence and the
16 licensee shall be afforded those rights outlined in this
17 chapter including the right to be present with or without
18 legal counsel, the opportunity to be heard on the issues, and
19 to present evidence, witnesses, and expert testimony. The
20 board, by majority vote, excluding the board member who served
21 on the investigative committee, shall then determine whether
22 there is probable cause to continue with an action against the
23 licensee to suspend, revoke the licensee's license to practice
24 psychology or to engage in any other legal action against the
25 licensee according to the Alabama Administrative Procedure
26 Act, Chapter 22 of Title 41, and additional procedures
27 provided in the rules of the board, not inconsistent with the

1 Alabama Administrative Procedure Act. If the board by majority
2 vote is tied, then there shall be no probable cause to
3 continue with any action against the licensee and there shall
4 be no entry of such made in the permanent records of the
5 licensee. The board shall have the right to conduct an ex
6 parte hearing if, after due notice, the licensee fails or
7 refuses to appear. The board shall have the right to issue
8 subpoenas for production of documents and witnesses and to
9 administer oaths. The board shall have the right to apply to a
10 court of competent jurisdiction to take appropriate action
11 should a subpoena not be obeyed.

12 (d) The board may temporarily suspend the license of
13 a psychologist without a hearing simultaneously with the
14 institution of proceedings for a hearing provided under this
15 section if the board finds that evidence in its possession
16 indicates that the licensee's continuation in practice may
17 constitute an immediate danger to the public.

18 §34-26A-55.

19 The board may not recommend suspension or revocation
20 of licensure or refuse to issue or to renew any certificate
21 for any cause listed in Section 34-26A-54 unless the person
22 accused has been given at least 30 days' notice in writing of
23 the charge against him or her and a public hearing by the
24 board. The written notice shall be mailed to the person's last
25 known address, but the nonappearance of the person shall not
26 prevent such a hearing. Upon such a hearing, the board may

1 administer oath and procure by its subpoenas the attendance of
2 witnesses and the production of relevant books and papers.

3 §34-26A-56.

4 Any action of, or ruling or order made or entered by
5 the board declining to issue a certificate, declining to
6 recommend licensure or recommending suspension or revocation
7 of a certificate or license shall be subject to review by the
8 courts of this state in the same manner and subject to the
9 same powers and conditions as now provided by law in regard to
10 rulings, orders, and findings of other quasi-judicial bodies
11 in Alabama, where not otherwise specifically provided. No such
12 appeal while pending appropriate court action shall supersede
13 such revocation or suspension.

14 Section 5. Article 4 of Chapter 26A of Title 34,
15 comprised of Sections 34-26A-60 to 34-26A-66, inclusive, is
16 added to the Code of Alabama 1975, to read as follows:

17 Article 4.

18 §34-26A-60.

19 (a) The scope of mandated supervision shall depend
20 upon the specific areas of practice, experience, and training
21 of the supervisee. Mandated supervision shall assure that an
22 appropriate professional standard is being applied to the
23 solution of the problem of a client, and that the laws that
24 govern the practice of psychology and the standards that guide
25 the practice are understood and followed. The scope of
26 mandated supervision may include enhancement and refinement of
27 previously learned skills, but shall not include introductory

1 training of a supervisee in additional skills, methods, or
2 interventions. Supervision shall include consideration of all
3 of the following areas:

4 (1) Legal and professional standards.

5 (2) Technical skills and competency.

6 (3) The utilization of supervision by a supervisee.

7 (4) The ability of a supervisee to function
8 independently or with reduced supervision.

9 (b) Specific supervision shall not be required for
10 each person evaluated or treated, or for every treatment,
11 evaluative technique, or professional activity undertaken.
12 Supervisors shall be required to co-sign reports and other
13 appropriate documents.

14 (c) A licensed psychologist shall be recognized by
15 the board as an appropriate supervisor for a psychological
16 technician supervisee. The board may disapprove of an
17 otherwise qualified psychologist acting as a supervisor for
18 any of the following reasons:

19 (1) Evidence that he or she is not competent or
20 qualified to supervise a supervisee.

21 (2) Evidence that he or she has failed to adhere to
22 professional or legal standards of the profession.

23 (3) Evidence that there is a lack of congruence
24 between the training, experience, and area of practice of the
25 proposed supervisor and the proposed area of practice of the
26 supervisee.

1 (4) Evidence that he or she has a license against
2 which disciplinary or remedial action has been taken.

3 §34-26A-61.

4 (a) A licensed psychologist acting as a supervisor
5 shall perform all of the following duties:

6 (1) Offer and provide supervision only within the
7 area of his or her competence.

8 (2) Prior to beginning supervision, enter into a
9 written agreement with the supervisee on a board adopted
10 supervision contract form which details the obligations of the
11 supervisee as well as the responsibilities of the supervisor
12 to the supervisee. This form shall be filed with and accepted
13 by the board.

14 (3) Direct the supervisee to practice only within
15 the areas for which he or she is qualified by education,
16 training, and supervised experience.

17 (4) Establish and maintain a level of supervisory
18 contact consistent with established professional standards and
19 remain accessible to the supervisee.

20 (5) Direct the supervisee to keep him or her
21 informed of services provided by the supervisee.

22 (6) If he or she has reason to believe that the
23 supervisee is practicing in a manner which indicates that
24 professional or legal violations have been committed, he or
25 she shall proceed as prescribed by rules of the board.

1 (7) Maintain a clear and accurate record of
2 supervision with a supervisee that protects the
3 confidentiality of the clients of the supervisee.

4 (8) Report annually on the required form to the
5 board that the agreed upon supervision has occurred.

6 (9) File a final supervision report with the board
7 within two weeks of the termination of supervision.

8 (10) Insure the written notification to clients or
9 patients of the supervisory process, including the disclosure
10 of clinical information to the supervisor and the means by
11 which the supervisor may be contacted.

12 (b) Failure to comply with any of the duties
13 specified in subsection (a) shall constitute a violation of
14 this chapter.

15 (c) To maintain the professional nature of the
16 supervision, a familial or strong personal relationship
17 between the supervisor and his or her supervisee is
18 prohibited, except in extraordinary circumstances such as the
19 lack of availability of any other qualified supervisor. In
20 such cases, the board shall require documentation that no
21 other supervision is available and shall require reference
22 letters from colleagues commenting on the appropriateness of
23 the supervisory relationship.

24 §34-26A-62.

25 (a) A psychological technician supervisee shall
26 perform all of the following duties:

1 (1) Enter into a written agreement with the
2 supervisor, using a board adopted supervision contract form,
3 which details the obligations of the supervisee as well as the
4 responsibilities of the supervisor to the supervisee. This
5 form shall be filed with and accepted by the board prior to
6 practice.

7 (2) Attend scheduled supervision sessions.

8 (3) Provide the supervisor with a disclosure of
9 psychological services being offered or rendered by him or
10 her.

11 (4) Cooperate with the supervisor to assure that all
12 conditions of the supervision are fulfilled.

13 (5) Provide the supervisor with information
14 necessary for the supervisor to advise him or her on cases
15 presenting professional, ethical, or legal concerns.

16 (6) File a revised supervision contract form within
17 45 days of a change in the conditions specified in the
18 supervision contract form on file with the board.

19 (7) Obtain a written, signed consent from each
20 patient or client that informs them of the supervisory
21 process.

22 (b) Failure to comply with any of the duties
23 specified in subsection (a) shall constitute a Class B
24 misdemeanor.

25 §34-26A-63.

26 (a) A psychological technician who practices in a
27 jurisdiction outside of the state shall not be required to

1 receive supervision for services rendered in that jurisdiction
2 so long as the services are rendered in a manner consistent
3 with the legal requirements of the jurisdiction.

4 (b) The initial supervision contract form shall be
5 filed with and accepted by the board prior to any practice.

6 (c) An amended written supervision contract form
7 shall be filed with the board within 45 days of any change in
8 the conditions specified in the supervision contract form on
9 file with the board. Additionally, within 14 days after
10 receiving written notification from the board that the filing
11 of a new supervision contract form is necessary to provide for
12 the protection of the public or the regulation of the practice
13 of psychology, an amended written supervision contract form
14 shall be filed with the board. A supervision contract form
15 shall document either that supervision is required and is
16 received, or that supervision is not required. A separate
17 supervision contract form shall be filed for each separate
18 work setting. If receiving supervision from more than one
19 supervisor to meet minimum requirements, a separate
20 supervision contract form shall be filed for each individual
21 supervisor.

22 (d) A supervisor shall report to the board that
23 agreed upon supervision has been provided and shall file a
24 final report with the board upon the termination of
25 supervision. If a psychological technician is not receiving
26 supervision, it is his or her responsibility to report that
27 fact to the board within 14 days. A report shall be submitted

1 to the board within 14 days after receiving written
2 notification from the board that a report is due, within 14
3 days after the termination of supervision, and within 45 days
4 after a change in the conditions specified in the supervision
5 contract form on file with the board.

6 (e) Additional supervision and reporting to the
7 board may be required if previous evaluations or other
8 information suggest possible problems with the competence or
9 ethical standards of the supervisee. Additional documentation
10 or an interview with the board or a designated representative
11 of the board may be required if questions arise regarding the
12 practice of the supervisee.

13 (f) Supervision shall be provided in face-to-face
14 and primarily one-on-one sessions by the supervisor of record.
15 The rate of supervision specified in this section shall be
16 provided for each separate work setting in which the
17 psychological technician supervisee engages in an activity
18 requiring supervision.

19 §34-26A-64.

20 Minimum supervision requirements are as follows:

21 (1) LEVEL I. For a psychological technician with
22 less than two calendar years of supervised practice as a
23 licensed psychological technician, consisting of at least
24 3,000 hours of supervised practice, minimum supervision shall
25 be provided as follows:

26 a. If the number of hours per month spent engaging
27 in activities requiring supervision is one to 20, inclusive,

1 the number of required hours of supervision per month shall be
2 two.

3 b. If the number of hours per month spent engaging
4 in activities requiring supervision is 21 to 30, inclusive,
5 the number of required hours of supervision per month shall be
6 three.

7 c. If the number of hours per month spent engaging
8 in activities requiring supervision is 31 to 40, inclusive,
9 the number of required hours of supervision per month shall be
10 four.

11 d. If the number of hours per month spent engaging
12 in activities requiring supervision is 41 to 60, inclusive,
13 the number of required hours of supervision per month shall be
14 five.

15 e. If the number of hours per month spent engaging
16 in activities requiring supervision is 61 or greater, the
17 number of required hours of supervision per month shall be
18 six.

19 (2)a. LEVEL II. For a psychological technician with
20 a minimum of two calendar years of supervised practice as a
21 licensed psychological technician, consisting of at least
22 3,000 hours of supervised practice, minimum supervision shall
23 be provided as follows:

24 1. If the number of hours per month spent engaging
25 in activities requiring supervision is one to 20, inclusive,
26 the number of required hours of supervision per month shall be
27 one.

1 2. If the number of hours per month spent engaging
2 in activities requiring supervision is 21 to 60, inclusive,
3 the number of required hours of supervision per month shall be
4 two.

5 3. If the number of hours per month spent engaging
6 in activities requiring supervision is 61 to 100, inclusive,
7 the number of required hours of supervision per month shall be
8 three.

9 4. If the number of hours per month spent engaging
10 in activities requiring supervision is 101 or greater, the
11 number of required hours of supervision per month shall be
12 four.

13 b. To be approved by the board for Level II
14 supervision, a psychological technician shall do all of the
15 following:

16 1. Make application to the board on an application
17 form provided by the board.

18 2. Have received at least one calendar year of
19 supervision from his or her most recent supervisor.

20 3. Provide a written recommendation from his or her
21 most recent supervisor for this level of supervision and
22 letters from all available previous supervisors.

23 (3) a. LEVEL III. For a psychological technician
24 with a minimum of seven calendar years of supervised practice
25 as a licensed psychological technician, consisting of at least
26 10,500 hours of supervised practice, minimum supervision shall
27 be provided as follows:

1 1. If the number of hours per month spent engaging
2 in activities requiring supervision is one to 50, inclusive,
3 the number of required hours of supervision per month shall be
4 one.

5 2. If the number of hours per month spent engaging
6 in activities requiring supervision is 51 or greater, the
7 number of required hours of supervision per month shall be
8 two.

9 b. To be approved by the board for Level III
10 supervision, a psychological technician shall do all of the
11 following:

12 1. Make application to the board on an application
13 form provided by the board.

14 2. Have received at least one calendar year of
15 supervision from his or her most recent supervisor.

16 3. Provide a written recommendation from his or her
17 most recent supervisor for this level of supervision and
18 letters from all available previous supervisors.

19 (4)a. A person who was a licensed psychological
20 technician prior to September 1, 2000, and who has a minimum
21 of two calendar years of supervised practice, consisting of at
22 least 3,000 hours of supervised practice by a licensed
23 psychologist, may apply for Level II supervision status.

24 b. To be approved by the board for this Level II
25 supervision status, a psychological technician shall do all of
26 the following:

1 1. Make application to the board on an application
2 form provided by the board.

3 2. Have received at least one calendar year of
4 supervision from his or her most recent supervisor.

5 3. Provide a written recommendation from his or her
6 most recent supervisor for this level of supervision and
7 letters from all available previous supervisors.

8 (5) Contract and report forms shall be provided by
9 the board.

10 §34-26A-65.

11 The degree program of an applicant who completed his
12 or her degree prior to September 1, 2000, shall be publicly
13 identified and clearly labeled as a psychology program. The
14 degree program of an applicant who completed his or her degree
15 on or after September 1, 2000, shall meet all of the following
16 requirements:

17 (1) The program shall be publicly identified and
18 clearly labeled as a psychology program.

19 (2) The program shall maintain clear authority and
20 primary responsibility for the core and concentration areas
21 whether or not the program crosses administrative lines.

22 (3) The program shall have an identifiable body of
23 students in residence at the institution who are matriculated
24 in the program for degree purposes.

25 (4) The program shall have an identifiable full-time
26 psychology faculty in residence at the institution, sufficient
27 in size and breadth to carry out the responsibilities of the

1 program, and employed by and providing instruction at the main
2 campus of the institution.

3 (5) There shall be a psychologist responsible for
4 the program as the administrative head of the program, the
5 advisor, a major professor, or the committee chair.

6 (6) The program shall be an integrated, organized
7 sequence of study in psychology as demonstrated by an
8 identifiable curriculum track or tracks wherein course
9 sequences are outlined.

10 (7) The program shall encompass the equivalent of a
11 minimum of two academic years, at least one of which shall be
12 one academic year of full-time graduate study in student
13 residence at the institution from which the degree is granted.
14 Residence requires interaction with psychology faculty and
15 other matriculated psychology students. A one-year residency
16 shall consist of 30 semester hours or 45 quarter hours taken
17 on a full-time or part-time basis at the institution.

18 (8) The program shall include practica or other
19 field experience appropriate to the area of specialty and
20 practice as a psychological technician. This experience shall
21 satisfy all of the following criteria:

22 a. The experience shall be a planned or directed
23 program of training in psychology, in contrast to on-the-job
24 training, and shall have provided the trainee with a planned
25 and directed sequence of training integrated with the
26 educational program in which the trainee is enrolled. The

1 training shall be planned by the faculty of the program rather
2 than by the trainee.

3 b. The training site shall have a clearly designated
4 and licensed psychologist who is responsible for the integrity
5 and quality of the training program.

6 c. The training shall last a minimum of six months
7 and consist of at least 500 hours of supervised training. At
8 least 50 percent of the training shall be spent in direct
9 contact with patients or clients.

10 d. The training program shall have a written program
11 description detailing the functioning of the program and shall
12 be approved by the psychology program of the trainee before
13 training occurs.

14 e. The training site staff shall provide a minimum
15 of one hour per five hours of client contact of face-to-face,
16 primarily individual, regularly scheduled supervision,
17 overseeing the training experience.

18 f. Supervision may be provided in part by
19 psychiatrists, social workers, or other related professionals
20 qualified by the training site. At least 60 percent of the
21 supervision shall be provided by a licensed psychologist.

22 g. A person enrolled in a training program shall be
23 designated as a practicum student, or any other designation
24 which clearly indicates training status.

25 (9) a. The program shall include a minimum of 45
26 semester hours or 68 quarter hours of graduate study in
27 standard psychology courses, including courses drawn from

1 academic psychology, such as social, experimental,
2 physiological, developmental, history and systems, and
3 statistics and research design.

4 1. Of the required semester or quarter hours, not
5 more than six semester or nine quarter hours shall be credited
6 for practicum and not more than six semester or nine quarter
7 hours shall be credited for thesis.

8 2. No credit shall be allowed for audited courses or
9 courses taken at an institution which is not a regionally
10 accredited institution of higher education.

11 b. An applicant whose credentials have been approved
12 by the board for examination at the licensed psychologist
13 level may be issued a license as a psychological technician if
14 the applicant fails an examination at the licensed
15 psychologist level but passes the examination at the licensed
16 psychological technician level. To receive this license, the
17 applicant shall file all required application materials with
18 the board for licensure at the psychological technician level.

19 §34-26A-66.

20 No person shall hold himself or herself out to the
21 public as a licensed psychological technician or practice as a
22 psychological technician unless licensed by the board. Failure
23 to comply with this section shall constitute a Class B
24 misdemeanor, and upon conviction, shall be fined not less than
25 five hundred dollars (\$500) nor more than five thousand
26 dollars (\$5,000) for each occurrence as defined in the rules
27 of the board.

1 Section 6. The existence and functioning of the
2 State Board of Examiners in Psychology, formerly created and
3 functioning pursuant to Chapter 26 of Title 34, Code of
4 Alabama 1975, is continued pursuant to this newly created
5 Chapter 26A. All rights, duties, property, real or personal,
6 and all other effects existing in the name of the board as
7 created under Chapter 26 of Title 34, shall continue. All
8 actions of the board prior to the effective date of this act
9 are approved, ratified, and confirmed. The board as
10 constituted on the effective date of this act shall constitute
11 the board under the new Chapter 26A and the existing members
12 of the board shall continue to serve until the expiration of
13 their current term of office.

14 Section 7. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

22 Section 8. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.