

1 SB63
2 209195-2
3 By Senator Jones
4 RFD: Healthcare
5 First Read: 02-FEB-21
6 PFD: 01/22/2021

1 SB63

2
3
4 ENROLLED, An Act,

5 Relating to licensed psychology professionals; to
6 add new Section 34-26-4 to the Code of Alabama 1975; to
7 establish the Alabama Psychology Professionals Wellness
8 Committee, to be administered by the Board of Examiners in
9 Psychology, to identify and intervene in instances of
10 impairment of licensed psychology professionals caused by
11 reason of illness, inebriation, substance dependence,
12 excessive use of drugs, narcotics, alcohol, chemicals, or
13 other substances, or as a result of any physical or mental
14 condition; to authorize the board to contract with a nonprofit
15 organization, health professional, or professional association
16 to assist the committee in carrying out its duties; and to
17 provide for the appointment and duties of the committee
18 members and specify reporting procedures.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 34-26-4 is added to the Code of
21 Alabama 1975, to read as follows:

22 §34-26-4.

23 (a) As used in this section, the following words
24 have the following meanings:

1 (1) COMMITTEE. The Alabama Psychology Professionals
2 Wellness Committee created under this section.

3 (2) IMPAIRED or IMPAIRMENT. The inability of a
4 licensed psychologist or licensed psychological technician to
5 practice with reasonable skill and safety by reason of
6 illness, inebriation, substance dependence, excessive use of
7 drugs, narcotics, controlled substances, alcohol, chemicals,
8 or other dependence forming substances, or as a result of any
9 physical or mental condition rendering the licensee unable to
10 meet the standards of his or her profession.

11 (3) LICENSEE. A professional psychologist or
12 psychological technician licensed under this chapter.

13 (b) The Alabama Board of Examiners in Psychology
14 shall develop a program to promote the early identification,
15 treatment, and rehabilitation of any licensee who may be
16 impaired in accordance with this section.

17 (c) There is established the Alabama Psychology
18 Professionals Wellness Committee, consisting of licensed
19 psychologists or licensed psychological technicians appointed
20 by the board as well as one member who is a representative of
21 the contractor described in subsection (d). The board shall
22 determine the number, qualifications, terms, and manner in
23 which members of the committee shall be appointed, provided
24 the committee shall be comprised of not less than three nor
25 more than 11 members, all members shall be residents of this

1 state, and the membership shall be inclusive and reflect the
2 racial, gender, geographic, urban/rural, and economic
3 diversity of the state.

4 (d) In order to assist the committee, the board
5 shall contract with a nonprofit organization, health
6 professional, or professional association to undertake those
7 functions and responsibilities specified in the agreement,
8 which may include any of the following:

9 (1) Receiving and evaluating reports of suspected
10 impairment from any source.

11 (2) Intervening in cases of verified impairment.

12 (3) Contracting with providers of treatment
13 programs.

14 (4) Referring impaired licensees to treatment
15 programs.

16 (5) Monitoring the treatment and rehabilitation of
17 impaired licensees.

18 (6) Providing post-treatment monitoring and support
19 of rehabilitated impaired licensees.

20 (7) Performing other related activities prescribed
21 by board rule.

22 (e) The board, by rule, shall develop procedures for
23 the committee to undertake the following:

24 (1) Periodic reporting of statistical information
25 regarding impaired licensee program activity as the board

1 deems appropriate, which may include, but not be limited to,
2 the number of reports made, investigations and other actions
3 taken, and the disposition of each report.

4 (2) Annual reporting to the board concerning the
5 operations and proceedings of the committee for the preceding
6 year.

7 (f) The committee shall report to the board the
8 following:

9 (1) Any licensee who in the opinion of the committee
10 is unable to practice as a psychologist or as a psychological
11 technician with reasonable skill and safety by reason of
12 impairment.

13 (2) Any licensee who in the opinion of the committee
14 is in need of intervention, treatment, or rehabilitation and
15 who has failed or refused to participate in programs of
16 treatment or rehabilitation recommended by the committee.

17 (g) (1) If the board has reasonable cause to believe
18 that a licensee is impaired, the board may require that an
19 evaluation of the licensee be conducted by the committee for
20 the purpose of determining whether an impairment exists. The
21 committee shall report the findings of its evaluation to the
22 board.

23 (2) The authority of the committee shall not
24 supersede the authority of the board to take disciplinary
25 action against a licensee. Nothing in this section shall limit

1 the authority of the board to discipline an impaired licensee.
2 If a licensee is impaired and currently in need of
3 intervention, treatment, or rehabilitation, and the licensee
4 is currently participating in a program or rehabilitation
5 recommended by the committee, then the board may refrain from
6 taking or continuing disciplinary action against the licensee.
7 If the board, upon reasonable cause to believe a licensee is
8 impaired, has referred the licensee to the committee for
9 evaluation, then the board may refrain from taking or
10 continuing disciplinary action against the licensee.

11 (3) A report of the committee shall be deemed to be
12 a report to the board for the purposes of any mandated
13 reporting of professional psychology impairment otherwise
14 required by law.

15 (h) (1) All information, interviews, reports,
16 statements, memoranda, or other documents furnished to or
17 produced by the committee and any findings, conclusions,
18 recommendations, or reports resulting from any investigation,
19 intervention, treatment, or rehabilitation, or other
20 proceedings of the committee are confidential. All records and
21 proceedings of the committee pertaining to an impaired
22 licensee are confidential and may only be used by the
23 committee and the members of the committee in the exercise of
24 the proper function of the committee, and are not public
25 records nor available for court subpoena or for discovery

1 proceedings. The committee may not disclose any personally
2 identifiable information except as otherwise allowed under
3 this chapter.

4 (2) In the event of a breach of contract between the
5 committee and an impaired licensee, all records pertaining to
6 the conduct determined to cause the breach of contract shall
7 be disclosed to the board, upon its request, for disciplinary
8 purposes only.

9 (3) This subsection does not apply to records made
10 in the regular course of business of a licensee, and
11 information, documents, or records otherwise available from
12 original sources may not be construed as immune from discovery
13 or used in any civil proceeding merely because they were
14 presented or considered during the proceedings of the
15 committee.

16 (i) The board may collect funds or expend available
17 funds to adequately provide for the operational expenses of
18 the committee, including, but not limited to, the actual cost
19 of travel, office overhead, personnel expenses, and
20 compensation for the members of the committee and committee
21 staff. The operational expenses of the committee may not
22 include the cost of treatment or rehabilitation programs
23 recommended by the committee to individual licensees. The
24 funds provided by the board under this section shall not be
25 subject to any competitive bidding law.

1 Section 2. This act shall become effective January
2 1, 2022, following its passage and approval by the Governor,
3 or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB63

Senate 25-FEB-21

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 13-APR-21

Senate concurred in House amendment 15-APR-21

By: Senator Jones