



Alabama Department of Examiners of Public Accounts

Report on the **Board of Examiners in Psychology** **Montgomery, Alabama**

October 1, 2018 through September 30, 2022

AUDEMUS JURA NOSTRA DEFENDERE
ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



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July 18, 2023

Senator Will Barfoot
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Senator Barfoot:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Examiners in Psychology in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Examiners in Psychology in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Daniel Dupree

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PROFILE

Purpose/Authority

The Board of Examiners in Psychology was created by Act 1963-535, Acts of Alabama, to regulate the practice of psychology in Alabama. The Board examines, licenses, and regulates psychologists and psychological technicians. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-26-1 through 34-26-94.

The following legislation was passed since the last sunset review of the Board:

Act 2021-116, Acts of Alabama, relating to the licensed practice of psychology; to provide and adopt the Psychology Interjurisdictional Compact to allow licensed psychologists to practice among compact states in a limited manner; to provide eligibility requirements for licensed psychologists to practice pursuant to the compact; to provide for a coordinated licensure information system, joint investigations, and disciplinary actions; to establish the Psychology Interjurisdictional Compact Commission, and to provide for membership, powers, and duties, and provide for rulemaking functions of the commission; and to provide for oversight of the compact, enforcement of the compact, default procedures, dispute resolution, withdrawal of compact states, and dissolution of the compact. This Act has been codified as Article 5 Psychology Interjurisdictional Compact in the current statutory authority of the Board.

Act 2021-283, Acts of Alabama, added Section 34-26-4 to the *Code of Alabama 1975*, to establish the Alabama Psychology Professionals Wellness Committee, to be administered by the Board of Examiners in Psychology, to identify and intervene in instances of impairment of licensed psychology professionals caused by reason of illness, inebriation, substance dependence, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition; to authorize the Board to contract with a nonprofit organization, health professional, or professional association to assist the committee in carrying out its duties; and to provide for the appointment and duties of the committee members and specify reporting procedures. This Act has been codified in the current statutory authority of the Board.

<u>Characteristics</u>	
Members and Selection	Eight members appointed by the Governor: • One member of the faculty of an accredited college or university in the state. • Five psychologists. • One psychological technician. • One member of the general public. All members, except the member appointed from the general public, shall be selected from two nominees provided by the executive council of the Alabama Psychological Association, or its successor organization. <i>Code of Alabama 1975</i>, Section 34-26-21
Term	Members serve five-year terms and cannot serve more than two consecutive terms. <i>Code of Alabama 1975</i>, Section 34-26-21
Qualifications	• Residents of the state • The faculty member must have the rank of assistant professor or above, and be primarily engaged in teaching, research, or administration of psychology and is a psychologist licensed in Alabama. • Psychologists must be licensed in Alabama. • Psychological technician member must be licensed in Alabama. • The public member must not be licensed by the Board. Additionally, if applicable, their spouse must not be licensed by the Board. <i>Code of Alabama 1975</i>, Section 34-26-21
Consumer Representation	One member of the general public. One public member is serving. <i>Code of Alabama 1975</i>, Section 34-26-21

Racial Representation	No specific statutory requirement. Two racial minority members serving.
Geographical Representation	No specific statutory requirement.
Other Representation	Membership shall be inclusive and reflect the racial, gender, geographic, urban, rural, and economic diversity of the state. Nominating authorities shall coordinate their appointments to assure Board membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state without regard to political affiliation. <i>Code of Alabama 1975</i>, Section 34-26-21(a)(1) <i>Code of Alabama 1975</i>, 34-26-21(2)
Compensation	No compensation. Members receive the same per diem and travel allowance paid to state employees for each day's attendance at an official meeting of the Board. <i>Code of Alabama 1975</i>, Section 34-26-21(f)
Attended Board Member Training	Six Board members. One staff member.

<u>Operations</u>	
Administrator	Lori Rall serves as Executive Director and is appointed by the Board. The Director's salary is set by the Board with approval from the State Personnel Department. Annual salary: \$89,479.20 <i>Code of Alabama 1975</i>, Section 34-26-21(f)
Location	100 North Union Street, Suite 880 Montgomery, AL 36104 Office Hours: M-F 8:00 to 5:00
Employees	The Board has two employees.
Legal Counsel	Brice M. Johnston, private attorney, is contracted to provide legal counsel to the Board as needed.
Subpoena Power	Yes. The Board shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. <i>Code of Alabama 1975</i>, Section 34-26-22(a)
Internet Presence	https://psychology.alabama.gov

<u>Financial</u>	
Source of Funds	Licensing fees and fines.
State Treasury	Yes. Special Revenue Fund 0406 is maintained in the State Treasury. <i>Code of Alabama 1975</i>, Section 34-26-43
Required Distributions	No required distributions.
Unused Funds	The Board retains its fund balance at fiscal year-end.

<u>Licensure</u>							
Licensees	As of June 1, 2023: <table border="1"> <tr> <td>Psychologist</td><td>1,137</td></tr> <tr> <td>Psychological Technician</td><td>26</td></tr> <tr> <td>Total</td><td>1,163</td></tr> </table> <i>Source:</i> Executive Assistant	Psychologist	1,137	Psychological Technician	26	Total	1,163
Psychologist	1,137						
Psychological Technician	26						
Total	1,163						
Licensure Qualifications	Psychologist: • Good moral character. • At least 19 years of age. • Has a doctorate degree from a department of, or school of, psychology, from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards. • Pass examinations as the Board prescribes. • Is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association. • Has not, within the preceding six months, failed an examination given by the Board. Psychological Technician: • Good moral character. • At least 19 years of age. • Has a master's degree in psychology from a regionally accredited institution of higher education or has completed the equivalent of a master's degree from an American Psychological Association accredited doctoral program in psychology, as determined by the Board. • Pass examinations as the Board prescribes. • Is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association. • Has not, within the preceding six months, failed an examination given by the Board. <i>Code of Alabama 1975, Section 34-26-41</i>						

Examinations

The Board utilizes the Examination for Professional Practice in Psychology (EPPP) to certify competency. This examination is designed and approved by the Association of State and Provincial Psychology Boards (ASPPB); it is distributed and scored by Pearson VUE. The cost of the examination is determined by and payable to ASPPB. The fee is independent and in addition to the Board’s application fee. Pearson VUE testing centers are located in Auburn University, Birmingham (2 locations), Decatur, Dothan, Mobile, Montgomery, and the University of Alabama, Tuscaloosa.

Examination for Professional Practice in Psychology			
Fiscal Year	Taken	Pass	Pass %
2019	36	30	83%
2020	25	17	68%
2021	30	24	80%
2022	30	19	63%

The Board administers the Professional Standards Examination (PSE). This examination covers material from the Alabama license law and the Alabama Psychological Association’s Ethical Principles of Psychologists and Code of Conduct. The examination is offered at the Board’s office in Montgomery between the hours of 8:30 a.m. and 10:30 a.m., Monday through Friday. The examination fee is paid to the Board.

Professional Standards Examination			
Fiscal Year	Taken	Pass	Pass %
2019	43	42	98%
2020	41	41	100%
2021	32	32	100%
2022	42	40	95%

Statistics for candidates from Alabama educational institutions are presented in Appendix III of this report.

Code of Alabama 1975, Section 34-26-41
Data Source: Executive Director

Reciprocity	The Board may issue a license to any person who is a licensed psychologist of another state, and who applies to the Board, provided the licensee of another state shall furnish the Board of all of the following: • Good moral character and holds license in good standing from another state. • At least 19 years of age. • Has received a doctorate degree in psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards or, in lieu of a doctorate degree in psychology, a doctorate degree in a closely allied field, if the training received therefor is substantially similar to that required of doctorates obtained from departments of psychology. • Pass examinations as the Board prescribes. • Is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association. • Has practiced psychology in another state at least four consecutive years prior to application. • That the other state under which he or she is licensed gives similar recognition and reciprocal licensing to licensed psychologists of this state. • The Board shall accept the Certificate of Professional Qualification (CPQ) in psychology issued by the Association of State and Provincial Psychology Boards (ASPPB), or its successor organization, or Board certification by the American Board of Professional Psychology (ABPP) as evidence that the applicant, who has not within the preceding six months failed an examination given by the Board, has met the requirements for licensure. There are no specific reciprocal agreements with other states. The Psychology Interjurisdictional Compact (PSYPACT), an interstate compact intended: • To regulate the day-to-day practice of telepsychology (i.e., the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority.
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	• To regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority. • To authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state. This compact does not apply to permanent in-person, face-to-face practice; however, it does allow for authorization of temporary psychological practice. <i>Code of Alabama 1975</i>, Section 34-26-41(c) <i>Code of Alabama 1975</i>, Sections 34-26-80 through 34-26-94
Renewals	Licenses expire annually on October 15. Online renewal was not available through fiscal year 2023. Online renewal is scheduled to be available for the 2024 fiscal year. <i>Code of Alabama 1975</i>, Section 34-26-22(b) <i>Source</i>: Executive Director
Licensee Demographics	Data not collected by the Board during the period examined. <i>Source</i>: Executive Director
Continuing Education	Psychologists – 20 hours per year. Psychological Technicians – 10 hours per year. <i>Code of Alabama 1975</i>, Section 34-26-22(b) <i>Administrative Code</i> Chapter 750-X-3A-.03

SIGNIFICANT ISSUES

Significant Issue 2023-001: The Board did not comply with the Open Meetings Act and statutory requirements as it relates to conducting Board meetings. Twenty-eight Board meeting minutes were reviewed for the sunset review period. The following discrepancies were noted:

- Following the expiration of the Governor’s emergency proclamation to address COVID-19, Board members participated in four meetings, held on July 9, 2021, November 11, 2021, January 14, 2022, and January 28, 2022, via video conferencing, establishing a quorum in violation of the *Code of Alabama 1975*, Section 36-25A-5.1(a) which at the time these meetings were held stated, “Participation by such means shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum.”
- The minutes of three meetings, July 9, 2021, November 11, 2021, and January 28, 2022, minutes indicate Board members, attending the meeting via electronic communication, participated in executive session in violation of the *Code of Alabama 1975*, Section 36-25A-5.1(e) which at the time these were held meetings stated “...*only those members who are physically present may participate in an executive session of the governmental body.*”

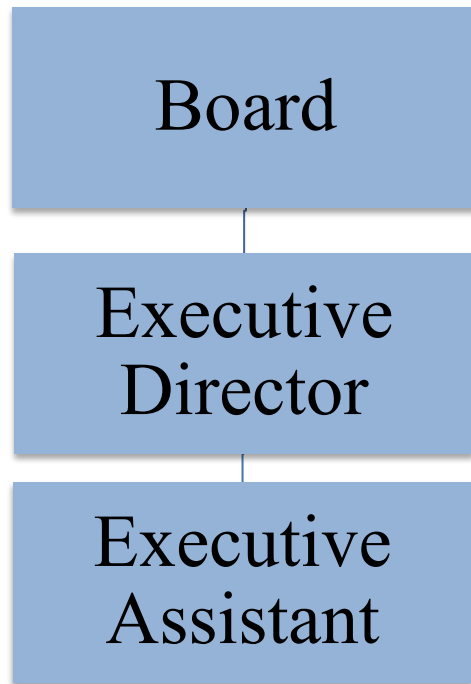
Significant Issue 2023-002: Subsequent to the passage of Act 2022-421, Acts of Alabama, effective July 1, 2022, codified as the *Code of Alabama 1975*, Section 36-25A-5.1, the Board’s meetings held on September 9, 2022 and November 4, 2022 established a quorum when only two of the eight members were physically present. In addition, notices posted on the Secretary of State’s website for meetings held September 9, 2022, November 4, 2022, and January 20, 2023 did not publish the means of access to electronic communication as required.

The *Code of Alabama 1975*, Section 36-25A-5.1(a)(1), as amended by Act 2022-421, states “Except as provided in subsection (d), members of a governmental body as defined in Section 36-25A-2, that is comprised of members from two or more counties, may participate in a meeting of that governmental body by means of telephone conference, video conference, or other similar communications equipment that allows all persons participating in the meeting to hear each other at the same time. Participation by these electronic means shall constitute presence in person at the meeting for all purposes; provided, *that at least three members, or a majority of a quorum of members, whichever is less, are physically present* at the physical meeting location required by subsection (b). (2) If a member is participating in a meeting of a governmental body by electronic means as authorized in this section, the governmental body shall ensure that means of *access to the electronic communication is published in the same manner as the notice of the meeting is published* pursuant to this chapter.”

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



PERSONNEL

Employees

Schedule of Employees			
By Merit System Classification/Sex/Race			
	#	Female/White	Salary
Executive Director (Unclassified)	1	1	\$89,479.20
Executive Assistant (Exempt)	1	1	\$51,952.80
Total	2	2	

Legal Counsel

The Board contracts with Brice M. Johnston to provide legal assistance for the agency on an as needed basis. Mr. Johnston is appointed as a Deputy Attorney General. The contract sets compensation at \$195.00 per hour for all time spent providing legal services to or on behalf of the agency, not to exceed \$209,800.00 for the period December 1, 2021 to December 1, 2023. The maximum amount to be paid for expenses incurred for travel or other general expenses is \$7,000.00.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 571

Number of Licensees for the Past Four Fiscal Years

Type of Licenses	FISCAL YEARS			
	2019	2020	2021	2022
Psychologist	1,119	1,124	1,112	1,115
Psychological Technician	26	26	26	26
Total	1,145	1,150	1,138	1,141

Operating Disbursements per Licensee for FY 2022 – \$257.34

Fines/Penalties as a Percentage of Operating Receipts

	FY 2022	FY 2021	FY 2020	FY 2019
Total Receipts	\$328,273.00	\$302,683.00	\$284,043.00	\$287,096.00
Fines	300.00	350.00	1,000.00	800.00
Percentage	.09%	.12%	.35%	.28%

Notification of Board decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Notification is also posted on the Board's website.

COMPLAINT HANDLING

The *Code of Alabama 1975*, Sections 34-26-46 through 34-26-48 and *Administrative Code* Chapter 750-X-5-.03 provide procedures for complaints and disciplinary actions against licensees.

Initial Contact/Documentation	Complaints against licensees must be in writing and submitted to the Board. The required complaint form is available on the Board's website. The complaint must be signed and notarized. The complainant is notified in writing that the complaint has been received.
Anonymous Complaints Accepted	Not accepted.
Investigative Process / Probable Cause Determination	An investigative committee, consisting of one Board member, the executive director, and the Board's legal counsel. The Board member makes the final determination if probable cause exists. Board member involved in investigating the complaint is eliminated from further involvement except as a witness. If no probable cause was found, the complainant and licensee are notified via letter. If probable cause is found, the complainant and licensee are notified by letter. The licensee is made aware of the nature of the complaint and is given an opportunity to respond. If after investigation it is determined that a violation may have occurred, the director prepares the administrative charges and schedules a hearing before the full Board. The licensee is contacted via certified mail. The licensee and their attorney can communicate with the Board's attorney to negotiate a potential resolution of the complaint. The consent agreement must be approved by the full Board. If the agreement is rejected the matter will proceed to a hearing.
Negotiated Settlements	The Board utilizes consent agreements.
Notification of Resolution to the Complainant	Complainants are notified of the resolution of their complaint by letter.

Source: Executive Director

Complaint Data

Schedule of Complaints Resolved FY 2019 through FY 2022						
Year/Number of Complaints Received	Year/Number Resolved					Pending
	2019	2020	2021	2022	2023*	
2019 / 22	4	12	5		1 ¹	
2020 / 10		1	4	2		3
2021 / 10			4	2	2	2
2022 / 15				6	5	4
2023* / 8					1	7
*As of May 23, 2023						
Source: Executive Director						

¹One complaint from 2019 was not closed until 2023 due to the Board awaiting the results of a trial. The trial date was rescheduled multiple times before charges were dropped in February 2023, and the Board closed the case.

Average Time to Resolve Complaints: 284 days.

Complaints pending for more than one year are due to contested cases still active in the court system.

Disposition of Resolved Complaints

Complaints	Resolution
36	No Probable Cause
4	Probationary Period, Required Continuing Education, Fine
2	Revocation of License
2	Public Reprimand
1	Suspension of License
1	Reprimand with Required Continuing Education
1	Cease and Desist Letter
1	Withdrawn by Complainant
1	Consent order executed

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

There is no direct shared regulation of psychologists with other state or federal entities.

FINANCIAL INFORMATION

Source of Funds – License fees and fines are deposited into the Board of Examiners in Psychology Special Revenue Fund 0406 maintained in the State Treasury.

Schedule of Fees

The Board's fees are set in *Administrative Code* Chapter 750-X-6 Appendix I.

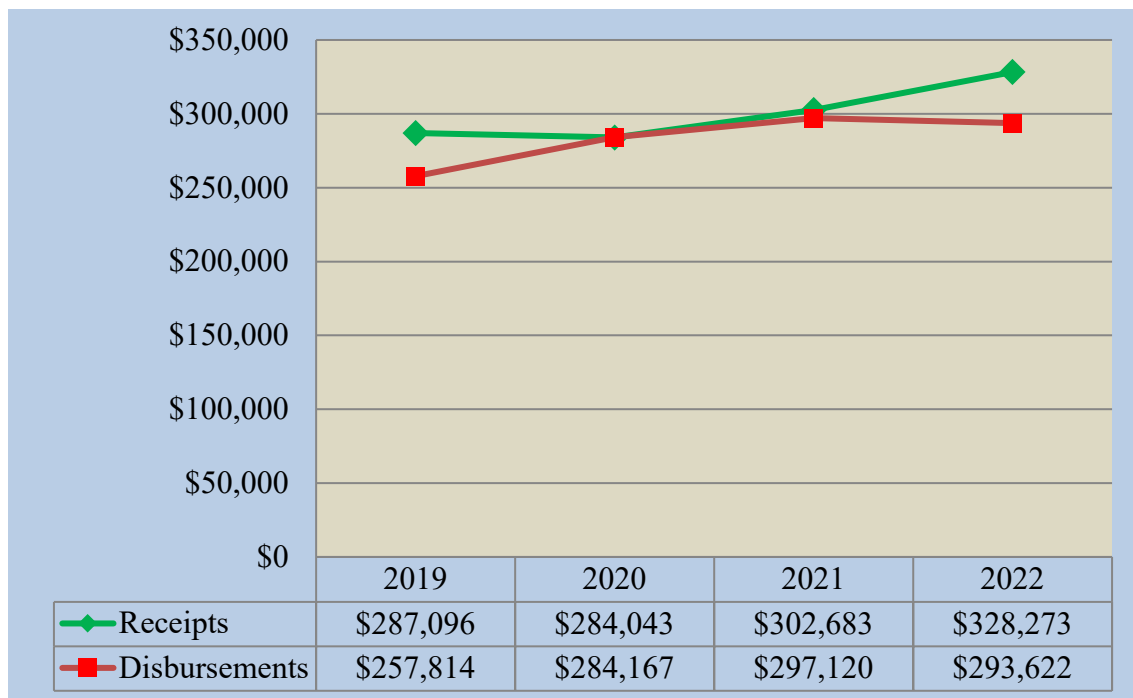
Fee Type/Purpose	Statutory Authority	Amount Authorized	Amount Collected
Psychologist License			
Application	34-26-43	≤ \$500	400.00
Renewal	34-26-22(a)(b)	≤ \$500	230.00
Inactive Status	34-26-41(i)	≤ \$500	50.00
Psychological Technician			
Application	34-26-43	≤ \$500	260.00
Renewal	34-26-22(a)(b)	≤ \$500	150.00
Inactive Status	34-26-41(i)	≤ \$500	35.00
Late Renewal (per month)	34-26-22(b)	To be set by the Board.	20.00
Professional Standards Exam/Criminal History/Civil Background Checks	34-26-43.1	To be set by the Board.	50.00
Continuing Education Fee	34-26-22(c)	To be set by the Board.	50.00
Current Roster of Licensed Psychologists	34-26-22(a)	To be set by the Board.	25.00
Current Roster of Licensed Psychological Technicians	34-26-22(a)	To be set by the Board.	25.00
Bad Check Fee	8-8-15	≤ \$30	30.00
Replacement Certificate		Cost Recovery	50.00
Replacement Renewal Card		Cost Recovery	25.00
Rules and Regulations Copy		Cost Recovery	10.00

Schedule of Receipts, Disbursements and Balances

October 1, 2018 through September 30, 2022

	2021-2022	2020-2021	2019-2020	2018-2019
<u>Receipts</u>				
License Fees	\$ 327,973.00	\$ 302,333.00	\$ 283,031.00	\$ 286,296.00
Fines	300.00	350.00	1,000.00	800.00
Publications			12.00	
Total	328,273.00	302,683.00	284,043.00	287,096.00
<u>Disbursements</u>				
Personnel Costs	124,303.63	116,877.60	111,070.32	93,678.82
Employee Benefits	51,004.04	48,846.71	45,693.91	37,003.03
Travel, In-State	4,823.83		3,514.82	6,156.33
Travel, Out-of-State	1,396.53		1,329.44	1,102.32
Repairs and Maintenance	668.69	1,690.32	690.06	1,277.36
Rentals and Leases	30,418.24	31,672.38	31,888.81	31,179.12
Utilities and Communications	8,094.93	7,934.53	7,132.88	8,523.20
Professional Services	65,202.77	54,279.14	74,910.09	71,430.57
Supplies, Materials, and Operating Expenses	7,375.65	9,763.15	7,702.31	7,412.78
Grants & Benefits			100.00	
Other Equipment Purchases	334.07	26,056.00	134.00	50.00
Total	293,622.38	297,119.83	284,166.64	257,813.53
Excess (Deficiency) of Receipts over Disbursements	34,650.62	5,563.17	(123.64)	29,282.47
Cash Balances at Beginning of Year	465,781.66	460,218.49	460,342.13	431,059.66
Cash Balances at End of Year	500,432.28	465,781.66	460,218.49	460,342.13
Reserved for Unpaid Obligations	(26,136.04)	(7,919.31)	(23,132.31)	(30,632.29)
Unobligated Cash Balances at end of Year	\$ 474,296.24	\$ 457,862.35	\$ 437,086.18	\$ 429,709.84

Operating Receipts vs. Operating Disbursements

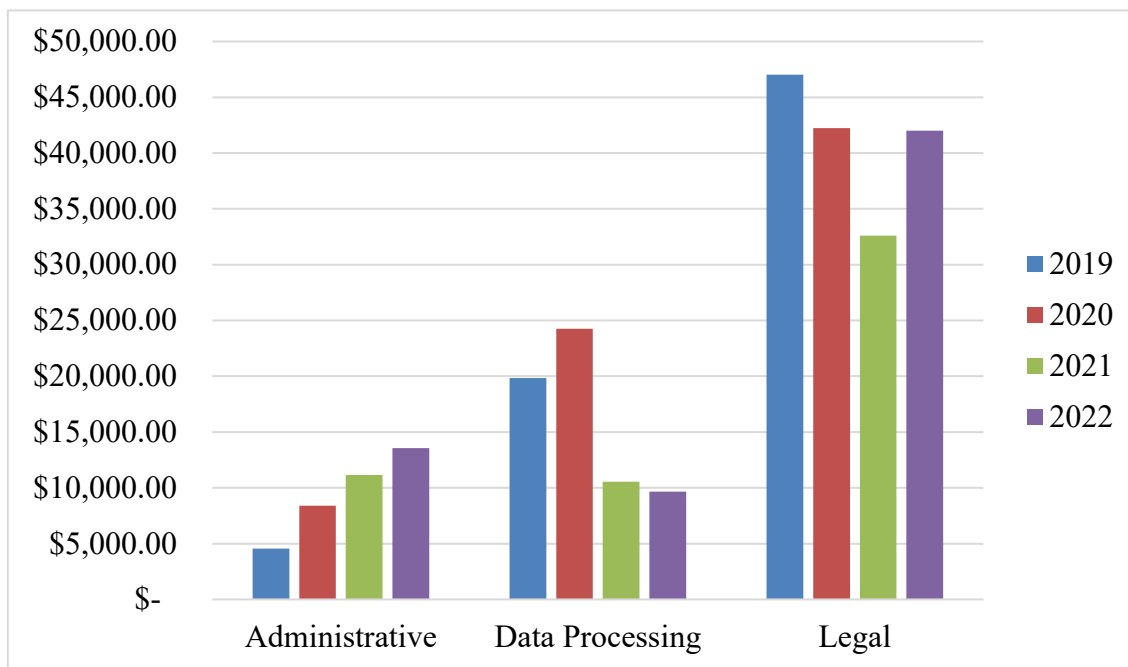


Summary Schedule of Professional Services Disbursements

As of September 30, 2022				
Type of Service	FY 2019	FY 2020	FY 2021	FY 2022
Administrative	\$4,566.17	\$8,407.91	\$11,139.36	\$13,550.38
Data Processing	19,835.36	24,262.18	10,537.28	9,654.71
Legal	47,029.04	42,240.00	32,602.50	41,997.68
Total	\$ 71,430.57	\$ 74,910.09	\$ 54,279.14	\$ 65,202.77

Detailed information is presented in Appendix II of this report.

Professional Services Disbursements



QUESTIONNAIRES

Board Member Questionnaire

An e-mail was sent to all eight members of the Board requesting participation in our survey. Four participated in our survey. The percentages shown are based on the number who responded to the question.

1. What are the most significant issues currently facing the Alabama Board of Examiners in Psychology and how is the Board addressing these issues?

Board Member #1 - “I am relatively new to the Board but one issue we take very seriously is the review of applications for licensure and we plan to work on updating the application to streamline the process and ensure applicants understand what information is being requested. Additionally, the Board, with the assistance of the Director and hopefully in collaboration with the Alabama Psychological Association, will be working to ensure information and education is available to current psychologists to ensure they are maintaining ethical and legal practices. This includes possibly utilizing other forms of communication aside from mail and the website (which is currently being updated). The Board is also actively working on addressing some recent directives from the Governor's office by setting up committees who will bring recommendations and suggestions for consideration by the full Board.

Board Member #2 - “At any given meeting, the Board reviews applicants for licensure. Licensed psychologists, most of which see patients in clinical practices, diagnosis and treat mental health disorders. These disorders are often disabling and sometimes lead to tragic outcomes, including death by suicide and the outcomes of addiction and other serious behavioral problems. Most applicants for licensure are fully qualified by law. Some, however, do not meet the guidelines that require particular kinds of training and experience. It is the responsibility of the Board to do what it reasonably can to prevent unqualified individuals from being licensed. This is a public safety consideration with serious implications. Similarly, the Board must respond to unethical practices, allegations of incompetence and impairment among licensed psychologists and, occasionally, criminal behavior. This is also a public safety matter. Accordingly, our Board is composed of psychologists who ultimately are the best equipped to engage in this regulatory function. We have found that it is essential to have office staff who are trained and thoroughly familiar with how psychologists practice along with Alabama's applicable laws and regulations. In every meeting, we approve multiple applicants to sit for the licensing exams and then become licensed when they pass. We also routinely require applicants to clarify or provide additional information so the Board can judge that they are legally qualified to be licensed. We also have to decline some applicants. Allegations of unethical (and sometimes unlawful) practice are handled with careful consideration of the right of the psychologist to due process, investigation of the alleged misconduct, appropriate response to any complainant, and corrective measures when misconduct has been substantiated.”

Board Member #3 - “I think that our administrator makes our jobs very efficient and streamlined. I have no issues with the process. However, I am quite upset about the senate bill which would combine our Boards. Psychology is far too specialized to be in a group of Boards that have no knowledge of the requirements, complaints, duties, etc., that psychologists face.”

Board Member #4 - “Some of the most significant issues the Board is currently facing includes protecting the public by regulating the licensing of psychologists and licensed psychological technicians, as well as responding to complaints from the public who believe they have been harmed by the unethical or unprofessional practice of Psychologists, or by individuals who present themselves as such who do not hold licensure. The Board addresses these issues by examining each case individually. Subcommittees may be formed to investigate further. If probable cause is determined, individuals may be called to a formal hearing before the Board. Cease and desist letters may also be sent. Each case and issue is thoroughly examined and dealt with according to the Alabama Code.”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 - “Not sure but we will be looking carefully at some of the Governor's new directives to discern if any changes will be required. Recent change in the national testing requirements of candidates for licensure might warrant a change but we are awaiting final determination on the process of the testing.”

Board Member #2 - “There is a national conversation among organized psychology about the need for a master's level licensure. Other related groups, such as licensed professional counselors, license at the master's level. But there is no provision in the law for licensure of individuals who have appropriate training to provide services with a master's degree and no doctorate. Given the rising need for mental health professionals, we believe that at some point fairly soon, we may need to address this issue through the law.”

Board Member #3 - “I am not aware of any.”

Board Member #4 - “N/A”

3. Is the Board adequately funded?

Yes	2	50%
Unknown	2	50%

4. Is the Board adequately staffed?

Yes	3	75%
Unknown	1	25%

5. Does the Board receive regular reports on the operations of the Board from the chief administrative officer?

Yes	4	100%
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6. Has the Board experienced any significant changes to its operations?

No	4	100%
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7. Does the Board plan any significant changes in its operations?

No	4	100%
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8. Do you have any other comments you would like to make?

Board Member #1 - “I am honored to serve in the position of Board member and have found the Director to be immensely helpful in navigating and understanding this new role. Many of the members are fellow colleagues and I have found the group to be unified and dedicated to their role and the mission of the Board of Examiners in Psychology.”

Board Member #2 - “I believe it is critically important for psychologists to be excluded from any future legislation that would consolidate Boards--or Board operations--governing occupational licensees. Because psychologists treat patients with potential serious illnesses, they should be exempt from this, as would be, we understand, physicians, dentists, and other doctoral-level health care professionals.”

Board Member #3 - “We have the best administrator that I have had contact with since I moved to Alabama in 1982. As I said before, I am VERY concerned about SB156 and believe that the public would no longer be protected from "bad actors."”

Board Member #4 - “N/A”

Licensee Questionnaire

An e-mail was sent to one hundred licensees requesting participation in our survey. Seventeen participated in the survey. The percentages shown are based on the number who responded to the question.

1. What do you think is the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 - "The threat of our professional Board being consolidated into another that lacks psychological expertise, which could have a profound and detrimental impact on citizens' mental health needs."

Respondent #2 - "The proposal from SB 156 to consolidate the Board of Examiners in Psychology into a consolidated licensing Board."

Respondent #3 - "There are multiple master's level licensed professionals who are providing services that should require more training."

Respondent #4 - "The lack of support and antagonism toward providing healthcare and support to trans and nonbinary youth and adults from our state government."

Respondent #5 - "Not sure"

Respondent #6 - "Other allied professions such as counselors who are not as selective a group being seen by the public as equal to a psychologist."

Respondent #7 - "Limited mental health resources, low number of Psychologists compared to other states, institutions/metro area providers impacted and have to provide services state-wide."

Respondent #8 - "Licensing psychology akin to physicians, as a health care profession. Protecting that status and the Board of Psychologist Examiners."

Respondent #9 - "Lack of insurance reimbursement for LPT."

Respondent #10 - "I heard something about an issue with reciprocity with other states. Not sure what the issue is or even if an issue exists."

Respondent #11 - "Limited mental health care resources across the state; the community-based services are few and far between and of mixed quality. Very difficult to recruit qualified psychologists to Alabama - to be clear, however, this is a problem in many states."

Respondent #12 - "Distinction and protection of the profession of psychology apart from counseling/social work/etc."

Respondent #13 - "Infringement of other professions doing psychologist's work."

Respondent #14 - "Lack of providers."

Respondent #15 - "Insurance issues with adequate reimbursement for clinical services."

Respondent #16 - "Legislative bill advocating for the consolidation of professional Boards into one Board for regulation purposes."

Respondent #17 - "Lack of respect and appreciation from the general public and administration about mental health professionals. The lack of funding for appropriate mental health resources and the hiring of qualified professionals. Inability for the state to prevent employees from departing for other states for higher wages and improved stances on social justice, equity, inclusion, etc."

2. Do you think regulation of your profession by the Alabama Board of Examiners in Psychology is necessary to protect public welfare?

Yes	16	94%
No	1	6%

3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	1	6%
No	16	94%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	15	88%
No	1	6%
Unknown	1	6%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	16	94%
Unknown	1	6%

6. Does the Board respond to your inquiries in a timely manner?

Yes	16	94%
Unknown	1	6%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	17	100%
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8. Please provide any other comments you would like to make.

Respondent #1 - "I have been impressed by the professionalism and efficiency of the psychology Board. They have been accessible, responsive, and transparent and stay abreast of relevant issues facing the practice of psychologists in Alabama and abroad."

Respondent #2 - "The work of the Board could be substantially reduced by extending the license term from one year to two years. Two years is customary in many other states. It is minorly burdensome to have to complete renewal paperwork every year."

Respondent #3 - "The Board of Examiners in Psychology has taken steps to provide encouragement and support to psychologists, at the same time that they "police" the practice to protect the welfare of the consumers in the state of Alabama."

Respondent #4 - “NA”

Respondent #5 - “Living in New Mexico and also licensed there, I definitely feel the Alabama Board does a better job than the New Mexico Board of Psychology.”

Respondent #6 - “I have been licensed for 40 years without any problems. Credentialing is essential for maintaining quality care for our patients.”

Respondent #7 - “The regular staff at the Board are FANTASTIC. I have had a wonderful experience working with them for licensure, renewal, and coordinating information for credentialing. They are helpful, timely, and kind! For the testing procedure for licensure, it would be beneficial to modernize practices and make the test available at testing centers and update the language of the policies/test.”

Respondent #8 - “Absolutely mandatory continuing education! While no body such as a licensing Board is perfect, it performs essential functions, much as the Board for physicians.”

Respondent #9 - “No response”

Respondent #10 - “Online payment of dues would be nice!”

Respondent #11 - “The Board does a fine job and is consistent with requirements and procedures in most other states. I am not aware of any good reason to change things. The only thing that would be good would be if we moved to a national registration (other countries have this) rather than state-by-state licensing requirements. But I don't expect that to happen anytime soon.”

Respondent #12 - “I would be very concerned about the protection of the public and the profession in the absence of a psychology Board.”

Respondent #13 - “No comment.”

Respondent #14 - “The Board and it's staff do an excellent job.”

Respondent #15 - “I appreciate having a Board for the professional practice of psychology.”

Respondent #16 - “I have been very impressed with my interactions with the Alabama Board of Examiners in Psychology and related administration over the last 12 years that I have been practicing in Alabama and advocate for the continued separate Board for practice in psychology. It is imperative that psychological clinical practice is regarded as are other clinical practice professions in being supported in maintaining as a separate entity their regulatory Board.”

Respondent #17 - “The Board has been very helpful, and I appreciate their timely responses and communication.”

Complaint Questionnaire

A letter was sent to twenty-four complainants requesting participation in our survey. Two participated in the survey. The percentages shown are based on the number who responded to the question.

1. Was receipt of your complaint acknowledged?

Yes	2	100%
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2. Approximately how long after filing your complaint did the Board contact you?

Within 30 days	1	50%
Was not contacted	1	50%

3. Did the Board communicate the results of the investigation into your complaint to you?

Yes	2	100%
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4. Do you think the Board/Commission did everything it could to resolve your complaint?

No	2	100%
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5. Do you have any additional comments you would like to make?

Complainant #1 - "I do not feel that the Board handled my complaint properly. I was sent the results, but no action was taken against [REDACTED]. I know that my thoughts or opinions on the matter doesn't effect the Board as much as it did to me emotionally. When a patient doesn't sign off on a Medical Release form, it doesn't give the doctor justice as a slap on the wrist for the one time that she was caught sending medical records over to another facility without a medical release form. If she did it one time and acknowledged her wrongdoing, how many other times has it occurred before. I will never recommend her business or see her again as a patient after this issue."

Complainant #2 - "The complaint was 100% valid- and the complaint was ignored and dismissed. My son underwent testing- the results were withheld for almost 2 years until I filed a complaint- were they released. The testing had to be redone by another provider. I was told the providers husband was on the Board and I would get NO WHERE with a complaint- and they were correct."

APPENDICES

Appendix I - Applicable Statutes

CHAPTER 26 PSYCHOLOGISTS.

ARTICLE 1 GENERAL PROVISIONS.

Section 34-26-1 Practice As "Psychologist" And "Psychological Technician" Defined.

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

(1) Psychologist.

(2) Psychological technician.

(b)(1) A person practices as a psychologist within the meaning of this chapter when he or she holds himself or herself out to be a psychologist or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests, and personality characteristics for such purposes as psychological evaluation or for such purposes as overall personality appraisal or classification, or treatment. The practice of psychologists specifically includes the use of projective assessment techniques, the diagnosis of mental disorders, and psychotherapy.

(2) Nothing in this definition shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electro-shock or in any way infringing upon the practice of medicine as defined in the laws of this state. A psychologist shall not attempt to diagnose, prescribe for, treat, or advise a client with reference to problems or complaints falling outside the boundaries of psychological practice.

(3) Nothing in this definition shall be construed as preventing qualified school counselors, vocational guidance counselors, vocational rehabilitation counselors, speech and hearing therapists, speech pathologists and audiologists, reading therapists, or teachers of exceptional children from rendering to the public for remuneration services for which they are qualified by training and experience involving the techniques of interviewing, administering, and interpreting tests of mental abilities, achievement, interests, and aptitudes for such purposes as evaluation or for educational or vocational guidance, selection, or placement. Nothing in this definition shall be construed as preventing technical and support staff from providing functions associated with psychological assessments under the supervision of a licensed psychologist.

(c)(1) A person practices as a "psychological technician" within the meaning of this chapter when he or she holds himself or herself out to be a psychological technician. A psychological technician may not use the title psychologist or hold himself or herself out to the public or knowingly allow himself or herself to be held out to the public as a psychologist. A licensed psychological technician shall not practice or present himself or herself outside the area of competence as approved by the Board based upon the examination and review of the qualifications, training, and experience of the individual. A psychological technician with adequate training may directly provide any of the following services without supervision:

a. Administering and interpreting tests: A psychological technician may administer and interpret tests of intelligence, achievement, aptitudes, and interests, and testing for educational or vocational selection, guidance, or placement.

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

c. Psychoeducational interventions: Psychological technicians may provide didactic psychoeducational services to individuals or groups. The purpose of such groups is to disseminate information and educate clients.

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

a. Personality appraisal. Personality appraisal as performed by the psychological technician is defined as any objective assessment or evaluative technique that leads to conclusions, inferences, and hypotheses regarding personality functioning. Included are all statements relative to personality attributes, features, traits, structure, dynamics, and pathology or assets. These activities shall allow for the process of deciding the nature of the psychological disorder or condition.

b. Clinical intervention. Includes the use of the principles, methods, and procedures of the science and profession of psychology for the treatment of individuals, groups, and families, and behavior management and behavior modification procedures with clinical populations.

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

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

(Acts 1963, No. 535, p. 1147, §2; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3.)

Section 34-26-2 Confidential Relations Between Licensed Psychologists, Licensed Psychiatrists, Or Licensed Psychological Technicians And Their Clients.

For the purpose of this chapter, the confidential relations and communications between licensed psychologists, licensed psychiatrists, or licensed psychological technicians and their clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

(Acts 1963, No. 535, p. 1147, §14; Acts 1979, No. 79-603, p. 1068, §1; Acts 1997, No. 97-387, p. 619, §3.)

Section 34-26-3 Code Of Ethics.

The Board of Examiners shall adopt the Code of Ethics of the American Psychological Association to govern appropriate practices or behavior as referred to in Section 34-26-46 and Section 34-26-47 and shall file such code with the Secretary of State within 30 days prior to the effective date of such code.

(Acts 1963, No. 535, p. 1147, §15.)

Section 34-26-4 Alabama Psychology Professionals Wellness Committee.

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

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

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

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

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

(c) There is established the Alabama Psychology Professionals Wellness Committee, consisting of licensed psychologists or licensed psychological technicians appointed by the Board as well as one member who is a representative of the contractor described in subsection (d). The Board shall determine the number, qualifications, terms, and manner in which members of the committee shall be appointed. The committee shall be comprised of not less than three nor more than 11 members, all members shall be residents of this state, and the membership shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

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

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

(2) Intervening in cases of verified impairment.

(3) Contracting with providers of treatment programs.

(4) Referring impaired licensees to treatment programs.

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

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

(7) Performing other related activities prescribed by Board rule.

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

(1) Periodic reporting of statistical information regarding impaired licensee program activity as the Board deems appropriate, which may include, but not be limited to, the number of reports made, investigations and other actions taken, and the disposition of each report.

(2) Annual reporting to the Board concerning the operations and proceedings of the committee for the preceding year.

(f) The committee shall report to the Board the following:

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

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

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

(2) The authority of the committee shall not supersede the authority of the Board to take disciplinary action against a licensee. Nothing in this section shall limit the authority of the Board to discipline an impaired licensee. If a licensee is impaired and currently in need of intervention, treatment, or rehabilitation, and the licensee is currently participating in a program or rehabilitation recommended by the committee, then the Board may refrain from taking or continuing disciplinary action against the licensee. If the Board, upon reasonable cause to believe a licensee is impaired, has referred the licensee to the committee for evaluation, then the Board may refrain from taking or continuing disciplinary action against the licensee.

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

(h)(1) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the committee and any findings, conclusions, recommendations, or reports resulting from any investigation, intervention, treatment, or rehabilitation, or other proceedings of the committee are confidential. All records and proceedings of the committee pertaining to an impaired licensee are confidential and may only be used by the committee and the members of the committee in the exercise of the proper function of the committee, and are not public records nor available for court subpoena or for discovery proceedings. The committee may not disclose any personally identifiable information except as otherwise allowed under this chapter.

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

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

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

(Act 2021-283, §1.)

ARTICLE 2 BOARD OF EXAMINERS.

Section 34-26-20 Creation.

Repealed by Act 2016-416, §2, effective August 1, 2016.

(Acts 1963, No. 535, p. 1147, §1.)

Section 34-26-21 Composition; Powers And Duties; Psychological Technician; Oath; Meetings.

(a)(1) There is created the Alabama Board of Examiners in Psychology to consist of eight persons who are residents of this state, who shall be inclusive and reflect the racial, gender, geographic, urban, rural, and economic diversity of the state, and who shall be appointed by the Governor as follows:

- a. One member shall be a member of the faculty of an accredited college or university in the state with the rank of assistant professor or above who is primarily engaged in teaching, research, or administration of psychology and is a psychologist licensed under this chapter.
- b. Five members shall be psychologists licensed under this chapter.
- c. One member shall be a psychological technician licensed under this chapter.
- d. One member shall be a member of the general public.

(2) The Board shall perform those duties and exercise those powers prescribed in this chapter. No member of the Board shall be liable to civil action for any act performed in good faith in the performance of his or her duty pursuant to this chapter. Vacancies shall be filled for any unexpired term, and members shall serve until their successors are appointed and have qualified.

In nominating candidates to fill vacancies on the Board, nominating authorities shall coordinate their appointments to assure Board membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state without regard to political affiliation.

(3) Board members shall not serve more than two consecutive terms of office. Not later than October 1 of each year the executive council of the Alabama Psychological Association, or of its successor organization, shall submit to the Governor the names of two qualified candidates for the position of the Board to be vacated by reason of expiration of term of office. From the two candidates the Governor shall appoint one member not later than January 1 to serve on the Board for a term of five years. With the exception of the member appointed from the general public, other vacancies occurring in the Board shall be filled for the unexpired term by appointment of the Governor from two qualified candidates for each vacancy submitted within 30 days after the vacancy occurs by the executive council of the association, or by its successor organization. Those appointments shall be made by the Governor within 30 days after the candidates' names have been submitted. If the association, or its successor organization, fails to furnish the Governor with the list of persons eligible for appointment to the Board, the Governor shall appoint any qualified members of the profession of psychology to the vacant position on the Board.

(b) The Governor shall appoint, for a five-year term of office, a member of the general public who is a resident of Alabama not licensed by the Board, and whose spouse, if married, is not licensed by the Board. Vacancies for unexpired terms of the general public member shall be filled by the Governor. Successor public members shall be appointed by the Governor.

(c) To fill the psychological technician position on the Board, the Executive Council of the Alabama Psychological Association, or its successor organization, shall select two names to be submitted to the Governor by October 1 prior to the expiration of the term. On or before the immediately following January 1, the Governor shall appoint one of the two names submitted to serve in the psychological technician position on the Board for a term of five years.

(d) Any Board members may be removed by the Governor after notice and hearing for incompetence, neglect of duty, malfeasance in office, or moral turpitude.

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

(f) The Board shall elect annually a chair and vice-chair. Each member shall receive the same per diem and travel allowance paid to state employees for each day's attendance at an official meeting of the Board. The Board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the chair or at the written request of any two members of the Board. The Board shall adopt a seal which shall be affixed to all licenses issued by the Board. The Board shall from time to time adopt rules and regulations necessary for the performance of its duties. Four members of the Board shall constitute a quorum. The Board may hire any assistants necessary to carry on its activities within the limit of funds available to the Board. The Board may accept grants from foundations, individuals, and institutions to carry on its functions.

(Acts 1963, No. 535, p. 1147, §4; Acts 1988, No. 88-216, p. 332, §3; Acts 1992, No. 92-125, p. 230, §3; Acts 1996, No. 96-394, p. 482, §1; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3; Act 2004-90, p. 119, §3; Act 2013-386, p. 1484, §1; Act 2016-65, §3; Act 2016-416, §1.)

Section 34-26-22 Certain Powers And Duties Enumerated; Registration Requirements; Continuing Education; Rules And Regulations.

(a) The Board of Examiners in Psychology shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. The Board shall be the sole agency in this state empowered to certify concerning competence in the practice of psychology and the sole Board empowered to recommend licensure for the practice of psychology. The Board shall have the power to recognize areas of specialization for practice and supervision, and to ensure through rules and regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. No individual shall be issued a license for the practice of psychology who has not been previously certified at the appropriate level of practice by the Board. The Board shall certify as competent to practice psychology or as competent to practice as a psychological technician all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this chapter and the rules and regulations of the Board. The certification shall be signed by the chair of the Board under the adopted seal of the Board. The chair shall, under the direction of the Board, aid the district attorneys in the enforcement of this chapter and the prosecutions of all persons charged with the violation of its provisions. Psychologists and psychological technicians licensed by the Board shall be required to submit annually to the Board a completed registration fee, not exceeding five hundred dollars (\$500), as determined by the Board. The list of licensed psychologists and licensed psychological technicians shall be made available to interested individuals or organizations at a nominal charge.

(b) A psychology license issued by the Board shall expire on October 15, and shall be renewed annually upon the satisfaction of continuing education requirements and payment of the renewal fee. Failure to comply with all requirements for renewal within the time period prescribed by the Board shall result in a lapsed license. Failure to satisfy all requirements for reactivation of an inactive license shall result in a lapsed license. A psychologist may have his or her lapsed license reinstated upon the payment of all accrued annual fees and late penalties and satisfaction of all requirements established by rule of the Board. If a psychologist is alleged to have violated any of the prohibitions on professional conduct provided in this chapter, the Board, upon a hearing and proof of the violation, may deny reinstatement of the license or prohibit the psychologist from applying for reinstatement.

(c) The Board shall implement requirements through its rules and regulations that licensees shall engage in annual continuing education activities other than individual study to renew the license to practice. Continuing education activities shall be relevant to the practice of psychology or applicable within the practice of psychology. The Board may charge a reasonable fee to register and keep records of licensees' continuing education credits.

(d) The Board may promulgate and adopt rules and regulations as are necessary to implement the requirements of this chapter. The rules and regulations shall be adopted pursuant to the state administrative procedure statutes.

(Acts 1963, No. 535, p. 1147, §13; Acts 1979, No. 79-106, p. 127, §1(a); Acts 1987, No. 87-569, p. 893, §1; Acts 1988, No. 88-216, p. 332, §3; Acts 1997, No. 97-387, p. 619, §3; Act 2013-386, p. 1484, §1.)

Section 34-26-23 Sunset Provision.

The Board of Examiners in Psychology shall be subject to the Alabama Sunset Law, Chapter 20 of Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2016, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

(Act 2013-386, p. 1484, §3.)

ARTICLE 3 LICENSES.

Section 34-26-40 Required; Exceptions; Psychological Interns Or Trainees.

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

(b) No person working for any recognized state department or agency, research laboratory, school, college, or university shall be required to have any license issued pursuant to this chapter to perform their job duties and responsibilities related to their position or employment status with these entities.

(Acts 1963, No. 535, p. 1147, §3; Acts 1996, No. 96-394, p. 482, §1; Acts 1997, No. 97-387, p. 619, §3.)

Section 34-26-41 Applications; Qualifications Of Applicants; Issuance Of License; Practice Without License; Inactive Status.

(a)(1) Any person wishing to obtain the right to practice as a psychologist or psychological technician in this state, who has not heretofore been licensed to do so, shall, before it shall be lawful for him or her to practice as a psychologist or psychological technician in this state, make application to the Board of Examiners in Psychology through the chair upon such form and in such manner as prescribed by the Board.

(2) Unless a person has first obtained a valid license as aforesaid, it shall be unlawful and a violation of this chapter for him or her to practice.

(b) A candidate for licensure as a psychologist shall furnish the Board with satisfactory evidence of all of the following:

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

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

(3) He or she has received a doctorate degree from a department of, or school of, psychology, from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards.

(4) He or she is competent in psychology as shown by passing such examinations, written or oral, or both, as the Board will prescribe, unless exempted pursuant to subsection (e).

(5) He or she is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association.

(6) He or she has not within the preceding six months failed an examination given by the Board.

(c) The Board may issue a license to any person who is a licensed psychologist of another state, and who applies to the Board, provided the licensee of another state shall furnish the Board with satisfactory evidence of all of the following:

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

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

(3) He or she has received a doctorate degree in psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards or, in lieu of a doctorate degree in psychology, a doctorate degree in a closely allied field, if the training received therefor is substantially similar to that required of doctorates obtained from departments of psychology.

(4) He or she is competent in psychology as shown by the passing of an examination, unless exempted pursuant to subsection (e), substantially equivalent to the examinations prescribed in subsection (a), or by the passing of a recognized national examination in psychology.

(5) He or she is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association.

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

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

(d)(1) The Board shall accept the Certificate of Professional Qualification (CPQ) in psychology issued by the Association of State and Provincial Psychology Boards (ASPPB), or its successor organization, or Board certification by the American Board of Professional Psychology (ABPP) as evidence that the applicant, who has not within the preceding six months failed an examination given by the Board, has met the requirements for licensure.

(2) The applicant shall submit all of the following to the Board:

- a. An application for licensure and the corresponding licensure fee.
- b. Verification forms from the jurisdictions of licensure, verifying that licensure is current and in good standing.
- c. A verification form from the ASPPB or from the ABPP.

(3) All applicants under this subsection shall successfully pass any local jurisdictional examinations. The Board may deny licensure to any applicant who has had disciplinary action taken against him or her by any licensing authority or professional organization or who has a record that discloses any other matter that puts in question his or her competency to practice.

(e) The Board shall issue a license to any applicant with a doctoral degree in psychology who is otherwise qualified pursuant to subsections (a) and (b), who is licensed in at least two states and who has passed a recognized national exam.

(f) An individual who possesses a valid license to practice psychology independently at the doctoral level, by any jurisdiction recognized by the Association of State and Provincial Psychology Boards, may practice psychology in Alabama for no more than 30 days each calendar year without applying for a license to practice psychology in Alabama, unless otherwise exempted pursuant to this chapter. This authority to practice does not apply to a psychologist who has been denied licensure in Alabama, is a legal resident of Alabama, or intends to practice full-time or a major portion of his or her time in Alabama.

(g) An individual licensed to practice psychology in another jurisdiction, who is providing services in response to a declared disaster or state of emergency, may practice psychology in this jurisdiction for no more than 60 days per year, without applying for a license, upon proper notification as required by Board rule.

(h) A candidate for licensure as a psychological technician shall furnish the Board with satisfactory evidence of all of the following:

- (1) He or she is of good moral character.
- (2) He or she is at least 19 years of age.
- (3) He or she has a master's degree in psychology from a regionally accredited institution of higher education, or has completed the equivalent of a master's degree from an American Psychological Association accredited doctoral program in psychology, as determined by the Board. Educational requirements are provided in Section 34-26-65.
- (4) Is competent as a psychological technician, as shown by passing examinations, written or oral, or both, as prescribed by the Board.
- (5) Is not engaged in unethical practice as defined in the most recent version of the Code of Ethics of the American Psychological Association.
- (6) Has not within the preceding six months failed an examination given by the Board.

(i) A psychologist or psychological technician licensee may request that the Board designate his or her license as inactive at any time before the date of renewal. There shall be paid to the Board by each licensee requesting inactive status a fee, not exceeding five hundred dollars (\$500), as set by rule of the Board. There shall be paid to the Board by each licensee requesting annual continuation of inactive status a fee, not exceeding five hundred dollars (\$500), as set by rule of the Board. No part of any fee paid to the Board shall be returnable under any circumstances. Granting inactive status to a licensee revokes all privileges associated with licensure under this chapter until reactivation is requested by the licensee. Procedures for reactivating an inactive license shall be established by rule of the Board.

(Acts 1963, No. 535, p. 1147, §5; Acts 1982, No. 82-152, p. 181, §4; Acts 1988, No. 88-216, p. 332, §3; Acts 1996, No. 96-394, p. 482, §1; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3; Act 2008-140, p. 212, §3; Act 2013-386, p. 1484, §1; Act 2016-416, §1.)

Section 34-26-42 Penalty For Unlicensed Person Held Out To Public As Psychologist Or Psychological Technician.

(a) If any person holds himself or herself out to the public as being engaged in practice as a psychologist or psychological technician, such as clinical, counseling, school, or combined professional-scientific psychology, and does not then possess in full force and virtue a valid license to practice as a psychologist or psychological technician under this chapter, he or she shall be deemed guilty of a Class B misdemeanor and, upon conviction, shall be fined not less than five hundred dollars (\$500) per occurrence nor more than five thousand dollars (\$5,000) per occurrence plus court costs. Nothing in this chapter shall be construed to limit the professional pursuits of teachers in recognized public and private schools, clergymen, practitioners of medicine, social workers, licensed professional counselors, school psychometrists, school psychologists, school counselors, and guidance counselors from full performance of their professional duties. However, in such performance any title shall be in accord with this chapter. Students of psychology, psychological interns, or other persons preparing for the profession of psychology may perform as a part of their training the functions specified in this chapter, but only under qualified supervision. Use of psychological techniques by business and industrial organizations for employment placement, evaluation, promotion, or job adjustment of their own officers or employees or by employment agencies for the evaluation of their own clients prior to recommendations for employment is also specifically allowed. However, no industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in this chapter unless the services are performed or supervised by individuals duly and appropriately licensed under this chapter.

(b) When the Board has evidence that any person has engaged in any act or practice constituting a violation of this chapter, or any rule or order promulgated pursuant to this chapter, the Board may bring an action in the Circuit Court of Montgomery County to enjoin the act or practice and to enforce compliance with this chapter or any rule or order promulgated pursuant to this chapter, regardless of whether criminal proceedings have been or may be initiated. Upon a proper showing, the court may order a permanent or temporary injunction, restraining order, or a writ of mandamus.

(Acts 1963, No. 535, p. 1147, §5; Acts 1982, No. 82-152, p. 181, §4; Acts 1988, No. 88-216, p. 332, §3; Acts 1996, No. 96-394, p. 482, §1; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3; Act 2008-140, p. 212, §3; Act 2013-386, p. 1484, §1.)

Section 34-26-43 Fees; Disposition Of Revenues Of Board; Payment Of Expenses.

There shall be paid to the Board by each applicant for a permanent license to practice as a psychologist or a psychological technician a fee not to exceed five hundred dollars (\$500), as set by Board rule. No part of any fee shall be returnable under any circumstance. All fees collected in this manner plus renewal fees as outlined in Section 34-26-22 and all gifts or grants shall be deposited in the State Treasury to the credit of the Board. Vouchers in payment of expenses shall be drawn on the state Comptroller signed by the chair or executive officer of the Board.

(Acts 1963, No. 535, p. 1147, §12; Acts 1979, No. 79-106, p. 127, §1(b); Acts 1987, No. 87-569, p. 893, §2; Acts 1988, No. 88-216, p. 332, §3; Acts 1997, No. 97-387, p. 619, §3; Act 2013-386, p. 1484, §1.)

Section 34-26-43.1 Fees; Background Checks; Fingerprints; Confidentiality.

- (a) The Board of Examiners in Psychology shall charge each candidate for licensure as a psychologist or psychological technician a fee sufficient to cover the entire actual costs of the examination of the applicant as well as the cost of criminal history and civil background checks of the applicant.
 - (b) Applicants for licensure as a psychologist or psychological technician shall submit to a criminal history background check.
 - (c) The applicant shall provide fingerprints and shall execute a criminal history information release using forms provided to the applicant by the Board.
 - (d) The applicant is responsible for having his or her fingerprints made.
 - (e) The applicant shall provide to the Board office his or her completed fingerprint cards, along with a cashier's check or money order made payable to the Alabama State Law Enforcement Agency (ALEA) in the amount sufficient to cover the actual cost of the background check. The Board shall submit the fingerprint cards to ALEA.
 - (f) ALEA shall be responsible for forwarding applicants' fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
 - (g) Information received by the Board pursuant to a criminal history background check shall be confidential and shall not be a public record, except that such information received by and relied upon by the Board in denying the issuance of a certificate of qualification may be disclosed as may be necessary to support the denial.
- (Acts 1979, No. 79-106, p. 127, §2; Acts 1987, No. 87-569, p. 893, §3; Acts 1993, No. 93-151, p. 215, §3; Acts 1997, No. 97-387, p. 619, §3; Act 2013-386, p. 1484, §1; Act 2016-416, §1.)*

Section 34-26-44 Conduct Of Examinations.

Examination of applicants for a license to practice as a psychologist or psychological technician shall be made by the Board at least once a year according to methods and in such subject fields as may be deemed by the Board to be the most practical and expeditious to test the qualifications of the applicant. The Board shall require the examinations to be written or oral, or both. The Board, by rule, shall provide circumstances under which a candidate shall be held to have passed the examination.

(Acts 1963, No. 535, p. 1147, §7; Acts 1997, No. 97-387, p. 619, §3; Act 2013-386, p. 1484, §1.)

Section 34-26-45 Waiver Of Examination; Persons Licensed In Other States.

Repealed by Act 2013-386 effective February 1, 2014.

(Acts 1963, No. 535, p. 1147, §8.)

Section 34-26-46 Grounds For Disciplinary Action; Mental Or Physical Competence; Penalties; Judicial Review; Disciplinary Oversight.

- (a) The Board shall suspend, place on probation, or require remediation, or any combination thereof, for any psychologist or psychological technician for a specified time, to be determined at the discretion of the Board, or revoke any license to practice as a psychologist or psychological technician or take any other action specified in the rules and regulations whenever the Board finds by a preponderance of the evidence that the psychologist or psychological technician has engaged in any of the following acts or offenses:
 - (1) Fraud or deception in applying for or procuring a license to practice as a psychologist or psychological technician; or in passing the examination provided for in this chapter.
 - (2) Practice as a psychologist or psychological technician under a false or assumed name or the impersonation of another practitioner of a like or different name.

- (3) Immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the Board.
- (4) Practicing as a psychologist or psychological technician in such a manner as to endanger the welfare of clients or patients.
- (5) Conviction of felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence).
- (6) Conviction of any crime or offense that reflects the inability of the practitioner to practice as a psychologist or psychological technician with due regard for the health and safety of clients or patients.
- (7) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient.
- (8) Engaging in sexual intercourse or other sexual contact with a client or patient.
- (9) 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 or area of specialization established by education, training, and experience as recognized by the Board.
- (10) Gross malpractice or repeated malpractice or gross negligence in practice as a psychologist or psychological technician.
- (11) Aiding or abetting practice as a psychologist or psychological technician by any person not licensed by the Board.
- (12) 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).
- (13) 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.
- (14) The suspension or revocation by another state of a license to practice as a psychologist or psychological technician for cause other than failure to renew the license (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof).
- (15) Refusal to appear before the Board after having been ordered to do so in writing by the executive office or chair of the Board.
- (16) Making any fraudulent or untrue statement to the Board.
- (17) Failing to cooperate with or to respond promptly, completely, and honestly to the Board.
- (18) Violation of the code of ethics adopted in the rules and regulations of the Board.
- (19) Upon the recommendation of the Ethics Committee of the Alabama Psychological Association, or of its successor organization, or the Ethics Committee of the American Psychological Association.
- (20) Inability to practice as a psychologist or psychological technician 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.
- (21) Engaging in practice as a psychologist or psychological technician before a license is issued.
- (22) Practice of a level of psychology inappropriate or beyond the scope of the particular license held by the licensee.
- (23) Failure to comply with any of the respective responsibilities of a supervisor or supervisee as provided in this chapter.

- (b) When the issue is whether or not a psychologist or psychological technician is physically or mentally capable of practicing as a psychologist or psychological technician with reasonable skill and safety to patients or clients, then, upon a showing of probable cause to the Board that the psychologist or psychological technician is not capable of practicing psychology with reasonable skill and safety to patients, the Board may petition a court of competent jurisdiction to order the psychologist or psychological technician in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. The psychologist and/or physician is to be designated by the court. The expense of the examination shall be borne by the Board. Where the psychologist or psychological technician raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist or psychological technician shall be permitted to obtain his or her own evaluation at his or her own 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 to practice is at issue, every psychologist or psychological technician licensed to practice in the state shall be deemed to have given consent to submit to a mental or physical examination 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.
- (c) In addition to any penalties referenced in subsection (d), the Board may assess the cost of any investigation, legal service, legal proceeding, or disciplinary action against any applicant or licensee found to be in violation of this chapter.
- (d) In determining the amount of any penalty, which may not exceed one thousand dollars (\$1,000) per violation or a total of five thousand dollars (\$5,000), the Board shall consider the seriousness of the violation, including any threat to the health, safety, or welfare of the public, the unlawful gain or economic benefit gained from the violation, the history of previous violations by the person, and the efforts of the person to mitigate and comply with this chapter.
- (e) Judicial review of an order entered by the Board under this section shall be conducted in accordance with those provisions providing for the judicial review of contested cases of the Alabama Administrative Procedure Act.
- (f) The Board shall exercise its jurisdiction for disciplinary oversight of licensees for any psychological services, regardless of how or where those services are rendered, even if those services are rendered in another state, federal facility, or foreign country during the licensure period. The Board may not accept the voluntary surrender of a license on the part of a licensee in an effort to avoid possible disciplinary actions by the Board. Inactive status does not negate the jurisdiction of the Board over the actions of a license during any period of active licensure. If a former licensee or a licensee on inactive status is found to be in violation of a state law or administrative rule, a public announcement of the decision of the Board shall be proffered in a manner to be determined by rule of the Board.
- (g) The Board of Examiners in Psychology may refuse to grant a license, or may recommend suspension of any license for a definite period not to exceed three years. The Board may, upon satisfactory proof that any applicant or licensee has been guilty of any of the above offenses, refuse to grant a license to the applicant or may recommend revocation of a license of the licensee upon a vote of at least four members of the Board. After three years from the date of a revocation, an application for reinstatement may be made to the Board, and it may, upon favorable action by four of its members, recommend reinstatement.
- (Acts 1963, No. 535, p. 1147, §9; Acts 1988, No. 88-216, p. 332, §3; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3; Act 2013-386, p. 1484, §1.)*

Section 34-26-47 Notice And Hearing Requirements.

(a) The Board may not recommend suspension or revocation of licensure or refuse to issue or to renew any license for any cause listed in Section 34-26-46 unless the person accused has been given at least 30 days' notice in writing of the charge against him or her and a public hearing by the Board. The written notice shall be mailed to the person's last known address, but the nonappearance of the person shall not prevent such a hearing. Upon such a hearing the Board may administer oath and procure by its subpoenas the attendance of witness and the production of relevant books and papers.

(b) At least one member of the Board shall be present at all times during a hearing, deliberation, and action thereon. A Board member who has assisted with an investigation of a complaint may not vote on the disciplinary action to be taken relating to the complaint. A hearing officer appointed by the Attorney General shall act as the hearing officer for the purpose of ruling on motions, evidence, and other like matters.

(Acts 1963, No. 535, p. 1147, §5; Act 2013-386, p. 1484, §1.)

Section 34-26-48 Review Of Action Of Board.

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

(Acts 1963, No. 535, p. 1147, §11.)

ARTICLE 4 SUPERVISORY PRACTICE OF LICENSED PSYCHOLOGICAL TECHNICIANS; QUALIFICATIONS; DUTIES; EDUCATIONAL DEGREE REQUIREMENTS; MANDATED SUPERVISION; UNLAWFUL PRACTICE PROHIBITED.

Section 34-26-60 Scope Of Supervision; Qualifications Of Supervisors.

(a) The scope of mandated supervision shall depend upon the specific areas of practice, experience, and training of the supervisee. Mandated supervision shall assure that an appropriate professional standard is being applied to the solution of the problem of a client, and that the laws that govern the practice of psychology and the ethics that guide the practice are understood and followed. The scope of mandated supervision may include enhancement and refinement of previously learned skills, but shall not include introductory training of a supervisee in additional skills, methods, or interventions. Supervision shall include consideration of all of the following areas:

(1) Ethical, legal, and professional standards.

(2) Technical skills and competency.

(3) The utilization of supervision by a supervisee.

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

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

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

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

- (2) Evidence that he or she has failed to adhere to ethical or legal standards of the profession.
 - (3) Evidence that there is a lack of congruence between the training, experience, and area of practice of the proposed supervisor and the proposed area of practice of the supervisee.
 - (4) Evidence that he or she has a license against which disciplinary or remedial action has been taken.
- (Act 98-146, p. 230, §4.)*

Section 34-26-61 Duties - Supervisors.

- (a) A licensed psychologist acting as a supervisor shall perform all of the following duties:
- (1) Offer and provide supervision only within the area of his or her competence and assure that his or her professional expertise and experience is congruent with the practice of the supervisee.
 - (2) Prior to beginning supervision, enter into a written agreement with the supervisee on a Board adopted supervision contract form which details the obligations of the supervisee as well as the responsibilities of the supervisor to the supervisee. This form shall be filed with and accepted by the Board.
 - (3) Direct the supervisee to practice only within the areas for which he or she is qualified by education, training, and supervised experience.
 - (4) Establish and maintain a level of supervisory contact consistent with established professional standards and remain accessible to the supervisee.
 - (5) Direct the supervisee to keep him or her informed of services provided by the supervisee.
 - (6) If he or she has reason to believe that the supervisee is practicing in a manner which indicates that ethical or legal violations have been committed, he or she shall proceed as prescribed by the most recent version of the Code of Ethics of the American Psychological Association.
 - (7) Maintain a clear and accurate record of supervision with a supervisee that protects the confidentiality of the clients of the supervisee.
 - (8) Report annually on the required form to the Board that the agreed upon supervision has occurred.
 - (9) File a final supervision report with the Board within two weeks of the termination of supervision.
 - (10) Insure the written notification to clients or patients of the supervisory process, including the disclosure of clinical information to the supervisor and the means by which the supervisor may be contacted.
- (b) Failure to comply with any of the duties specified in subsection (a) shall constitute a violation of this chapter.
- (c) To maintain the professional nature of the supervision, a familial or strong personal relationship between the supervisor and his or her supervisee is prohibited, except in extraordinary circumstances such as the lack of availability of any other qualified supervisor. In such cases, the Board shall require documentation that no other supervision is available and shall require reference letters from colleagues commenting on the appropriateness of the supervisory relationship.
- (Act 98-146, p. 230, §4.)*

Section 34-26-62 Duties - Supervisees.

- (a) A psychological technician supervisee shall perform all of the following duties:
- (1) Enter into a written agreement with the supervisor, using a Board adopted supervision contract form, which details the obligations of the supervisee as well as the responsibilities of the supervisor to the supervisee. This form shall be filed with and accepted by the Board prior to practice.
 - (2) Attend scheduled supervision sessions.
 - (3) Provide the supervisor with a disclosure of psychological services being offered or rendered by him or her.

- (4) Cooperate with the supervisor to assure that all conditions of the supervision are fulfilled.
 - (5) Provide the supervisor with information necessary for the supervisor to advise him or her on cases presenting professional, ethical, or legal concerns.
 - (6) File a revised supervision contract form within 45 days of a change in the conditions specified in the supervision contract form on file with the Board.
 - (7) Obtain a written, signed consent from each patient or client that informs them of the supervisory process.
 - (b) Failure to comply with any of the duties specified in subsection (a) shall constitute a Class B misdemeanor.
- (Act 98-146, p. 230, §4; Act 2016-416, §1.)*

Section 34-26-63 Practice Outside State; Supervision Contract Form; Final Report; Additional Supervision.

- (a) A psychological technician who practices in a jurisdiction outside of the state shall not be required to receive supervision for services rendered in that jurisdiction so long as the services are rendered in a manner consistent with the legal requirements of the jurisdiction.
 - (b) The initial supervision contract form shall be filed with and accepted by the Board prior to any practice.
 - (c) An amended written supervision contract form shall be filed with the Board within 45 days of any change in the conditions specified in the supervision contract form on file with the Board. Additionally, within 14 days after receiving written notification from the Board that the filing of a new supervision contract form is necessary to provide for the protection of the public or the regulation of the practice of psychology, an amended written supervision contract form shall be filed with the Board. A supervision contract form shall document either that supervision is required and is received, or that supervision is not required. A separate supervision contract form shall be filed for each separate work setting. If receiving supervision from more than one supervisor to meet minimum requirements, a separate supervision contract form shall be filed for each individual supervisor.
 - (d) A supervisor shall report to the Board that agreed upon supervision has been provided and shall file a final report with the Board upon the termination of supervision. If a psychological technician is not receiving supervision, it is his or her responsibility to report that fact to the Board within 14 days. A report shall be submitted to the Board within 14 days after receiving written notification from the Board that a report is due, within 14 days after the termination of supervision, and within 45 days after a change in the conditions specified in the supervision contract form on file with the Board.
 - (e) Additional supervision and reporting to the Board may be required if previous evaluations or other information suggest possible problems with the competence or ethical standards of the supervisee. Additional documentation or an interview with the Board or a designated representative of the Board may be required if questions arise regarding the practice of the supervisee.
 - (f) Supervision shall be provided in face-to-face and primarily one-on-one sessions by the supervisor of record. The rate of supervision specified in this section shall be provided for each separate work setting in which the psychological technician supervisee engages in an activity requiring supervision.
- (Act 98-146, p. 230, §4.)*

Section 34-26-64 Supervision Requirements.

Minimum supervision requirements are as follows:

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

- a. If the number of hours per month spent engaging in activities requiring supervision is one to 20, inclusive, the number of required hours of supervision per month shall be two.
- b. If the number of hours per month spent engaging in activities requiring supervision is 21 to 30, inclusive, the number of required hours of supervision per month shall be three.
- c. If the number of hours per month spent engaging in activities requiring supervision is 31 to 40, inclusive, the number of required hours of supervision per month shall be four.
- d. If the number of hours per month spent engaging in activities requiring supervision is 41 to 60, inclusive, the number of required hours of supervision per month shall be five.
- e. If the number of hours per month spent engaging in activities requiring supervision is 61 or greater, the number of required hours of supervision per month shall be six.

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

1. If the number of hours per month spent engaging in activities requiring supervision is one to 20, inclusive, the number of required hours of supervision per month shall be one.
2. If the number of hours per month spent engaging in activities requiring supervision is 21 to 60, inclusive, the number of required hours of supervision per month shall be two.
3. If the number of hours per month spent engaging in activities requiring supervision is 61 to 100, inclusive, the number of required hours of supervision per month shall be three.
4. If the number of hours per month spent engaging in activities requiring supervision is 101 or greater, the number of required hours of supervision per month shall be four.

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

1. Make application to the Board on an application form provided by the Board.
2. Have received at least one calendar year of supervision from his or her most recent supervisor.
3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.

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

1. If the number of hours per month spent engaging in activities requiring supervision is one to 50, inclusive, the number of required hours of supervision per month shall be one.
2. If the number of hours per month spent engaging in activities requiring supervision is 51 or greater, the number of required hours of supervision per month shall be two.

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

1. Make application to the Board on an application form provided by the Board.
2. Have received at least one calendar year of supervision from his or her most recent supervisor.
3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.

- (4) a. Prior to September 1, 2000, a licensed psychological technician with a minimum of two calendar years of supervised practice, consisting of at least 3,000 hours of supervised practice by a licensed psychologist, may apply for Level II supervision status.
- b. To be approved by the Board for this Level II supervision status, a psychological technician shall do all of the following:
1. Make application to the Board on an application form provided by the Board.
 2. Have received at least one calendar year of supervision from his or her most recent supervisor.
 3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.
- (5) Contract and report forms shall be provided by the Board.
- (Act 98-146, p. 230, §4.)*

Section 34-26-65 Psychology Program Requirements.

The degree program of the applicant shall meet all of the following requirements:

- (1) The program shall be publicly identified and clearly labeled as a psychology program.
- (2) The program shall maintain clear authority and primary responsibility for the core and concentration areas whether or not the program crosses administrative lines.
- (3) The program shall have an identifiable body of students in residence at the institution who are matriculated in the program for degree purposes.
- (4) The program shall have an identifiable full-time psychology faculty in residence at the institution, sufficient in size and breadth to carry out the responsibilities of the program, and employed by and providing instruction at the main campus of the institution.
- (5) There shall be a psychologist responsible for the program as the administrative head of the program, the advisor, a major professor, or the committee chair.
- (6) The program shall be an integrated, organized sequence of study in psychology as demonstrated by an identifiable curriculum track or tracks wherein course sequences are outlined.
- (7) The program shall encompass the equivalent of a minimum of two academic years, at least one of which shall be one academic year of full-time graduate study in student residence at the institution from which the degree is granted. Residence requires interaction with psychology faculty and other matriculated psychology students. A one year residency shall consist of 30 semester hours or 45 quarter hours taken on a full-time or part-time basis at the institution.
- (8) The program shall include practica or other field experience appropriate to the area of specialty and practice as a psychological technician. This experience shall satisfy all of the following criteria:
 - a. The experience shall be a planned or directed program of training in psychology, in contrast to on-the-job training, and shall have provided the trainee with a planned and directed sequence of training integrated with the educational program in which the trainee is enrolled. The training shall be planned by the faculty of the program rather than by the trainee.
 - b. The training site shall have a clearly designated and licensed psychologist who is responsible for the integrity and quality of the training program.
 - c. The training shall last a minimum of six months and consist of at least 500 hours of supervised training. At least 50 percent of the training shall be spent in direct contact with patients or clients.
 - d. The training program shall have a written program description detailing the functioning of the program and shall be approved by the psychology program of the trainee before training occurs.
 - e. The training site staff shall provide a minimum of one hour per five hours of client contact of face-to-face, primarily individual, regularly scheduled supervision, overseeing the training experience.

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

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

(9) a. The program shall include a minimum of 45 semester hours or 68 quarter hours of graduate study in standard psychology courses, including courses drawn from academic psychology, such as social, experimental, physiological, developmental, history and systems, and statistics and research design.

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

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

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

(Act 98-146, p. 230, §4; Act 2016-416, §1.)

Section 34-26-66 Violations.

No person shall hold himself or herself out to the public as a licensed psychological technician or practice as a psychological technician unless licensed by the Board. Failure to comply with this section shall constitute a Class B misdemeanor.

(Act 98-146, p. 230, §5; Act 2016-416, §1.)

ARTICLE 5 PSYCHOLOGY INTERJURISDICTIONAL COMPACT

Section 34-26-80 Purpose.

This article shall be known and may be cited as the Psychology Interjurisdictional Compact.

Whereas, states license psychologists in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice; and

Whereas, this compact is intended to regulate the day-to-day practice of telepsychology (i.e., the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state; and

Whereas, this compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety; and

Whereas, this compact does not apply when a psychologist is licensed in both the home and receiving states; and

Whereas, this compact does not apply to permanent in-person, face-to-face practice; however, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology.
2. Enhance the ability of the compact states to protect the public's health and safety, especially client/patient safety.
3. Encourage the cooperation of compact states in the areas of psychology licensure and regulation.
4. Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history.
5. Promote compliance with the laws governing psychological practice in each compact state.
6. Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

(Act 2021-116, §1.)

Section 34-26-81 Definitions.

As used in this article, the following terms have the following meanings:

- (1) ADVERSE ACTION. Any action taken by a state psychology regulatory authority which finds a violation of a law or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.
- (2) ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS (ASPPB). The recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
- (3) AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY. A licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state.
- (4) BYLAWS. Those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Section 34-26-89 for its governance, or for directing and controlling its actions and conduct.
- (5) CLIENT/PATIENT. The recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, or consulting services.
- (6) COMMISSIONER. The voting representative appointed by each state psychology regulatory authority pursuant to Section 34-26-89.
- (7) COMPACT STATE. A state, the District of Columbia, or United States territory that has enacted this compact legislation and that has not withdrawn pursuant to Section 34-26-92 (c) or been terminated pursuant to Section 34-26-91 (b).
- (8) COORDINATED LICENSURE INFORMATION SYSTEM or COORDINATED DATABASE. An integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.
- (9) CONFIDENTIALITY. The principle that data or information is not made available or disclosed to unauthorized persons or processes.

- (10) DAY. Any part of a day in which psychological work is performed.
- (11) DISTANT STATE. The compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services.
- (12) E.PASSPORT. A certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.
- (13) EXECUTIVE BOARD. A group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
- (14) HOME STATE. A compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.
- (15) IDENTITY HISTORY SUMMARY. A summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.
- (16) IN-PERSON, FACE-TO-FACE. Interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.
- (17) INTERJURISDICTIONAL PRACTICE CERTIFICATE (IPC). A certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice.
- (18) LICENSE. Authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization.
- (19) NON-COMPACT STATE. Any state which is not at the time a compact state.
- (20) PSYCHOLOGIST. An individual licensed for the independent practice of psychology.
- (21) PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION or COMMISSION. The national administration of which all compact states are members.
- (22) RECEIVING STATE. A compact state where the client/patient is physically located when the telepsychological services are delivered.
- (23) RULE. A written statement by the Psychology Interjurisdictional Compact Commission adopted pursuant to Section 34-26-90 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compact state, and includes the amendment, repeal, or suspension of an existing rule.
- (24) SIGNIFICANT INVESTIGATORY INFORMATION. Either of the following:
- a. Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state law or ethics code that would be considered more substantial than minor infraction.
 - b. Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

(25) STATE. A state, commonwealth, territory, or possession of the United States, or the District of Columbia.

(26) STATE PSYCHOLOGY REGULATORY AUTHORITY. The Board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

(27) TELEPSYCHOLOGY. The provision of psychological services using telecommunication technologies.

(28) TEMPORARY AUTHORIZATION TO PRACTICE. A licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state.

(29) TEMPORARY IN-PERSON, FACE-TO-FACE PRACTICE. Where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

(Act 2021-116, §2.)

Section 34-26-82 Home State Licensure.

(a) The home state shall be a compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(c) Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(d) Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

(e) A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

(1) Currently requires the psychologist to hold an active E.Passport;

(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than 10 years after activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

(f) A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

(1) Currently requires the psychologist to hold an active IPC;

(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than 10 years after activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

(Act 2021-116, §3.)

Section 34-26-83 Compact Privilege To Practice Telepsychology.

(a) Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with Section 34-26-82, to practice telepsychology in other compact states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

(b) To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to paragraph a. by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

(2) Hold a graduate degree in psychology that meets all of the following criteria:

a. 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 professional psychologists.

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

d. The program must consist of an integrated, organized sequence of study.

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities.

f. The designated director of the program must be a psychologist and a member of the core faculty.

g. The program must have an identifiable body of students who are matriculated in that program for a degree.

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology.

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for a doctoral degree and a minimum of one academic year of full-time graduate study for a master's degree.

j. The program includes an acceptable residency as defined by the rules of the commission.

(3) Possess a current, full, and unrestricted license to practice psychology in a home state which is a compact state;

(4) Have no history of adverse action that violates the rules of the commission;

(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;

- (6) Possess a current, active E.Passport;
 - (7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background, and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and
 - (8) Meet other criteria as defined by the rules of the commission.
 - (c) The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.
 - (d) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state, in accordance with that state's due process law, may limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.
 - (e) If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended, or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.
- (Act 2021-116, §4.)*

Section 34-26-84 Compact Temporary Authorization To Practice.

- (a) Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with Section 34-26-82, to practice temporarily in other compact states (distant states) in which the psychologist is not licensed, as provided in the compact.
- (b) To exercise the temporary authority to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:
 - (1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or
 - b. A foreign college or university deemed to be equivalent to paragraph a. by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and
 - (2) Hold a graduate degree in psychology that meets all of the following criteria:
 - a. 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 professional psychologists.
 - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution.
 - c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.
 - d. The program must consist of an integrated, organized sequence of study.
 - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities.

- f. The designated director of the program must be a psychologist and a member of the core faculty.
 - g. The program must have an identifiable body of students who are matriculated in that program for a degree.
 - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology.
 - i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for a doctoral degree and a minimum of one academic year of full-time graduate study for a master's degree.
 - j. The program includes an acceptable residency as defined by the rules of the commission.
- (3) Possess a current, full, and unrestricted license to practice psychology in a home state which is a compact state;
 - (4) Have no history of adverse action that violates the rules of the commission;
 - (5) Have no criminal record history that violates the rules of the commission;
 - (6) Possess a current, active IPC;
 - (7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and
 - (8) Meet other criteria as defined by the rules of the commission.
- (c) A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.
 - (d) A psychologist practicing into a distant state under the temporary authorization to practice shall be subject to the distant state's authority and law. A distant state, in accordance with that state's due process law, may limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's residents. If a distant state takes action, the state shall promptly notify the home state and the commission.
 - (e) If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended, or otherwise limited, the IPC shall be revoked and the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.
- (Act 2021-116, §5.)*

Section 34-26-85 Conditions Of Telepsychology Practice In A Receiving State.

A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

- (1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state.
 - (2) Other conditions regarding telepsychology as determined by rules adopted by the commission.
- (Act 2021-116, §6.)*

Section 34-26-86 Adverse Actions.

(a) A home state may impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

(b) A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

(c) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

(1) All home state disciplinary orders that impose adverse action shall be reported to the commission in accordance with the rules adopted by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(2) In the event discipline is reported on a psychologist, the psychologist shall not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(3) Other actions may be imposed as determined by the rules adopted by the commission.

(d) A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

(e) A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization to practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, the distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

(f) Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

(g) No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection (c).

(Act 2021-116, §7.)

Section 34-26-87 Additional Authorities Invested In A Compact State's Psychology Regulatory Authority.

In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state, shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

(3) During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority may complete any pending investigations of a psychologist and take any actions appropriate under its laws. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of the investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

(Act 2021-116, §8.)

Section 34-26-88 Coordinated Licensure Information System.

(a) The commission shall provide for the development and maintenance of a coordinated licensure information system (coordinated database) and reporting system containing licensure and disciplinary action information on all individual psychologists to whom this compact is applicable in all compact states as defined by the rules of the commission.

(b) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

(1) Identifying information;

(2) Licensure data;

(3) Significant investigatory information;

(4) Adverse actions against a psychologist's license;

(5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;

(6) Non-confidential information related to alternative program participation information;

(7) Any denial of application for licensure, and the reasons for such denial; and

(8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

(Act 2021-116, §9.)

Section 34-26-89 Establishment Of The Psychology Interjurisdictional Compact Commission.

(a) The compact states create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, Voting, and Meetings.

(1) The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

a. Executive director, executive secretary, or similar executive;

b. Current member of the state psychology regulatory authority of a compact state; or

c. Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

(2) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

(3) Each commissioner shall be entitled to one vote with regard to the adoption of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(4) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(5) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 34-26-90.

(6) The commission may convene in a closed, non-public meeting if the commission must discuss:

a. Non-compliance of a compact state with its obligations under the compact;

b. The employment, compensation, discipline or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation against the commission;

d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - h. Disclosure of investigatory records compiled for law enforcement purposes;
 - i. Disclosure of information related to any investigatory reports prepared by, or on behalf of, or for use of, the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or
 - j. Matters specifically exempted from disclosure by federal and state statute.
- (7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, any person participating in the meeting, and the reasons for taking the actions, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.
- (c) The commission, by a majority vote of the commissioners, shall adopt bylaws or rules, or both, to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including, but not limited to:
- (1) Establishing the fiscal year of the commission;
 - (2) Providing reasonable standards and procedures:
 - a. For the establishment and meetings of other committees; and
 - b. Governing any general or specific delegation of any authority or function of the commission.
 - (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;
 - (4) Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;
 - (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
 - (6) Adopting a code of ethics to address permissible and prohibited activities of commission members and employees;
 - (7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations;
 - (8) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the compact states;
 - (9) The commission shall maintain its financial records in accordance with the bylaws; and
 - (10) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(d) The commission shall have the following powers:

(1) To adopt uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all compact states.

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected.

(3) To purchase and maintain insurance and bonds.

(4) To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a compact state.

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same, provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest.

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed, provided that at all times the commission shall strive to avoid any appearance of impropriety.

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(9) To establish a budget and make expenditures.

(10) To borrow money.

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(12) To provide and receive information from, and to cooperate with, law enforcement agencies.

(13) To adopt and use an official seal.

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.

(e) The Executive Board. The elected officers shall serve as the executive Board, which shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive Board shall be comprised of six members:

a. Five voting members who are elected from the current membership of the commission by the commission.

b. One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(2) The ex officio member must have served as staff or member on a state psychology regulatory authority and be selected by its respective organization.

(3) The commission may remove any member of the executive Board as provided in its bylaws.

(4) The executive Board shall meet at least annually.

(5) The executive Board shall have the following duties and responsibilities:

- a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees.
- b. Ensure compact administration services are appropriately provided, contractual or otherwise.
- c. Prepare and recommend the budget.
- d. Maintain financial records on behalf of the commission.
- e. Monitor compact compliance of member states and provide compliance reports to the commission.
- f. Establish additional committees as necessary.
- g. Other duties as provided in rules or bylaws.

(f) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall adopt a rule binding upon all compact states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(g) Qualified Immunity, Defense, and Indemnification.

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to, or loss of, property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; nothing herein shall be construed to prohibit that person from retaining his or her own counsel, provided that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing the actual or alleged act, error, or omission occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.
(Act 2021-116, §10.)

Section 34-26-90 Rulemaking.

- (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted pursuant to this section. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- (b) If a majority of the legislatures of the compact states rejects a rule, by enactment of a law or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.
- (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
- (d) Prior to adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a Notice of Proposed Rulemaking:
 - (1) On the website of the commission; and
 - (2) On the website of each compact state's psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.
- (e) The Notice of Proposed Rulemaking shall include:
 - (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
 - (2) The text of the proposed rule or amendment and the reason for the proposed rule;
 - (3) A request for comments on the proposed rule from any interested person; and
 - (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
- (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
- (g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
 - (1) At least 25 persons who submit comments independently of each other;
 - (2) A governmental subdivision or agency; or
 - (3) A duly appointed person in an association that has at least 25 members.
- (h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.
 - (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.
 - (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this subsection.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission, by majority vote of all members, shall take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with adoption of the proposed rule without a public hearing.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or compact state funds;

(3) Meet a deadline for the adoption of an administrative rule that is established by federal law or regulation; or

(4) Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(Act 2021-116, §11.)

Section 34-26-91 Oversight, Dispute Resolution, And Enforcement.

(a) Oversight.

(1) The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. This compact and the rules adopted hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or adopted rules.

(b) Default, Technical Assistance, and Termination.

(1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall:

- a. Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and
- b. Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state that is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the State of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) Dispute Resolution.

(1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and non-compact states.

(2) The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the compact and its adopted rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(Act 2021-116, §12.)

Section 34-26-92 Date Of Implementation Of The Psychology Interjurisdictional Compact Commission And Associated Rules, Withdrawal, And Amendments.

(a) The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the adoption of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(1) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this section prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state which does not conflict with this compact.

(e) This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

(Act 2021-116, §13.)

Section 34-26-93 Construction And Severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

(Act 2021-116, §14.)

Section 34-26-94 Judicial Proceedings By The Individuals.

Except as to judicial proceedings for the enforcement of this compact among member states, individuals may pursue judicial proceedings related to this compact in any Alabama state or federal court that would otherwise have competent jurisdiction.

(Act 2021-116, §15.)

Appendix II - Professional Services by Vendor

	FY2019	FY2020	FY2021	FY2022
Administrative Services				
<i>Gilmore Moving and Storage, Inc.</i>				
Sanitation	\$	\$	\$ 27.17	\$
<i>Legislative Services Agency</i>				
Advertising				1,240.00
Inter-Departmental Services				200.00
<i>Michael Clay Garver</i>				
Medical Consulting	3,958.27	7,899.96	9,908.29	11,574.93
<i>Motivated Enterprises Inc.</i>				
Moving			387.50	
<i>State Personnel Department</i>				
Personnel Dept. Services	368.00	371.00	753.00	408.00
<i>US Dept. of Homeland Security</i>				
Information and Research	50.00	50.00	25.00	
<i>Department of Finance</i>				
Mailing	189.90	86.95	38.40	127.45
Total Administrative Services	4,566.17	8,407.91	11,139.36	13,550.38
Data Processing				
<i>Department of Finance</i>				
Comptroller Services	812.59	2,202.32	2,266.45	2,487.42
SBS Billing	807.38	1,092.12	2,363.45	2,706.46
<i>Office of Information Technology</i>				
Data Processing	18,111.84	20,864.78	5,781.54	4,333.56
Finance and IT Planning/Oversight	103.55	102.96	125.84	127.27
Total Data Processing	19,835.36	24,262.18	10,537.28	9,654.71
Legal				
Brice M. Johnston	47,029.04	42,240.00	32,602.50	41,997.68
Total Professional Services	71,430.57	74,910.09	54,279.14	65,202.77

Appendix III - Examination Results by Alabama Educational Institution

Examination for Professional Practice in Psychology

Alabama Educational Institution	FY 2019		FY 2020		FY 2021		FY 2022	
	Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail
University of Alabama at Birmingham	1	0					1	0
University of South Alabama	2	0	2	0				
University of Alabama	1	0	1	0			1	1
Auburn University	0	1	2	0	1	0	1	0
Jacksonville State University							0	1
Spring Hill College			1	0				

Professional Standards Examination

Alabama Educational Institution	FY 2019		FY 2020		FY 2021		FY 2022	
	Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail
University of Alabama at Birmingham	0	1	1	0			1	0
University of South Alabama	2	0	2	0				
University of Alabama	1	0	2	0	2	0	2	0
Auburn University	1	0	1	0	2	0	2	0
Jacksonville State University					1	0		
Spring Hill College			1	0				

Source: Executive Director

Appendix IV: Board Members



ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

100 N Union Street, Suite 880

Montgomery, AL 36104

(334) 242-4127 | (334) 242-4411 Fax

Email: psychology.board@psychology.alabama.gov

www.psychology.alabama.gov

May 23, 2023

Daniel Dupree
Accounts Examiner III
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, AL 36104

RE: Current Board Members – Expiration Term and City

Dear Mr. Dupree,

Enclosed, please find each Board Member's Expiration Term and current City. Please let me know if you have questions about the contents of this correspondence or if you need other information. Thank you.

Board Member Name	Expiration of Term	Current City
Edwin W. Cook, III, Ph.D.	01/15/2024	Birmingham
Nancy W. Berland, Ph.D.	01/15/2025	Birmingham
Michael A. Carlton, Ph.D.	01/15/2027	Mobile
Candice D. Lewis, M.S.	01/15/2027	Mobile
Dale Wisely, Ph.D.	01/15/2027	Vestavia
Carmen Douglas	01/15/2025	Montgomery
Kimberley Svec Ackerson, Ph.D.	01/05/2027	Hoover
C. Jeffery Terrell, Ph.D.	01/15/2028	Bremen

Sincerely,

Lori H. Rall
Executive Director

Appendix V: Board's Response to Significant Issues



ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

100 N Union Street, Suite 880

Montgomery, AL 36104

(334) 242-4127 | (334) 242-4411 Fax

Email: psychology.board@psychology.alabama.gov

www.psychology.alabama.gov

June 30, 2023

Dixie B. Thomas, Director of Operational Audits
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, AL 36104-4338

Via Email: dixie.thomas@alexaminers.gov

RE: Response to Issues 2023-001 and 2023-002

Dear Ms. Thomas,

Thank you for your June 27, 2023 correspondence to the Alabama Board of Examiners in Psychology (the Board) detailing findings identified as Significant Issue 2023-001 and 2023-002 following our recent Sunset review. The Board appreciates the opportunity to provide a response to the identified issues and asks that you consider the mitigating factors Board Members faced during the audit period. The Board respectfully requests that these “Significant Issues” instead be classified as Findings which will be swiftly and appropriately remedied by the Board.

As you know, the Board is comprised of volunteers who give freely of their professional expertise and valuable time in service to the State. Even as the Governor’s emergency proclamations addressing the COVID-19 state of emergency evolved and expired, each individual Board Member continued to experience their own set of personal, significant factors impacting their safety that sometimes prevented them from being able to gather in person. Board Members appropriately represent the geographic areas of Alabama and the exposure travel posed during a period when COVID-19 had lingering affects made travel difficult and impossible. Importantly, in significant cases related to medical diagnoses, health and safety factors would have prevented Board Members from meeting in person due to continued concern over personal safety.

The Board, nonetheless, will work to remain in compliance with the directives of the Open Meetings Act and all statutory requirements related to conducting meetings.

Addressing the Findings: To continue accomplishing Board business which impacts the livelihoods of Alabamians and to address matters concerning public protection when faced with incompatible alternatives, Board Members joined together regularly, albeit electronically, to ensure their own personal safety and to not interrupt the work the Board is charged with conducting. The Board’s Legal Counsel was present and participating in each of the meetings identified. In the future, the Board will make every effort to avoid the circumstances identified in your review of the agency. Please see each Board meeting date addressed individually, below.

Issue No.	Meeting Date	Finding and Response
2023-001	July 9, 2021	F: All Board Members and Legal Counsel participated via Zoom. Staff was present in the Board's Office. Executive Session was conducted via electronic means. R: The Zoom meeting room was closed when the Board moved into Executive Session and no business was recorded; Board Members continued to participate so that that the Board could maintain quorum to make decisions which affected livelihoods of Alabamians and to address matters concerning public protection. On July 14, 2023, the fully assembled Board will meet in person at the Board's Office to review the full Agenda and Minutes from this meeting to affirm concurrence with the business conducted at the meeting. If the Board determines that it is necessary to take corrective action on any Agenda item, the Board will do so immediately.
2023-001	November 12, 2021	F: Three (3) Board Members, Legal Counsel, and Staff were present in the Board's Office. Two (2) Board Members participated via Zoom. Executive Session was conducted via electronic means; electronic access was closed to the public during Executive Session, and two (2) Board Members participated via electronic means for Executive Session. R: The Zoom meeting room was closed when the Board moved into Executive Session and no business was recorded; those two Board Members continued to participate so that that the Board could maintain quorum to make decisions which affected livelihoods of Alabamians and to address matters concerning public protection. On July 14, 2023, the fully assembled Board will meet in person at the Board's Office to review the full Agenda and Minutes from this meeting to affirm concurrence with the business conducted at the meeting, to include matters addressed in Executive Session. If the Board determines that it is necessary to take corrective action on any Agenda item, the Board will do so immediately.
2023-001	January 14, 2022	F: All Board Members and Legal Counsel participated via Zoom. Staff was present in the Board's Office. R: On July 14, 2023, the fully assembled Board will meet in person at the Board's Office to review the full Agenda and Minutes from this meeting to affirm concurrence with the business conducted at the meeting. If the Board determines that it is necessary to take corrective action on any Agenda item, the Board will do so immediately.

Issue No.	Meeting Date	Finding and Response
2023-001	January 28, 2022	F: All Board Members and Legal Counsel participated via Zoom. Staff was present in the Board's Office; all Board Members participated via electronic means for Executive Session. R: The Zoom meeting room was closed when the Board moved into Executive Session and no business was recorded; Board Members continued to participate so that that the Board could maintain quorum to make decisions which affected livelihoods of Alabamians and to address matters concerning public protection. On July 14, 2023, the fully assembled Board will meet in person at the Board's Office to review the full Agenda and Minutes from this meeting to affirm concurrence with the business conducted at the meeting, to include matters addressed in Executive Session. If the Board determines that it is necessary to take corrective action on any Agenda item, the Board will do so immediately.
2023-002	September 9, 2022	F: Two (2) Board Members, Legal Counsel, and Staff were present in the Board's Office. Three (3) Board Members participated via Zoom. The Board failed to publish access information for the Public to participate in the e-Meeting. R: The Board did not publish information about access to the Zoom meeting because the Board's Office was open for public participation. The Board is unaware of anyone who desired or had reason to appear at these meetings who were unable to do so because they did not have access to Zoom meeting information. On July 14, 2023, the fully assembled Board will meet in person at the Board's Office to review the full Agenda and Minutes from this meeting to affirm concurrence with the business conducted at the meeting. If the Board determines that it is necessary to take corrective action on any Agenda item, the Board will do so immediately.
2023-002	November 4, 2022	F: Two (2) Board Members, Legal Counsel, and Staff were present in the Board's Office. Three (3) Board Members participated via Zoom. The Board failed to publish access information for the Public to participate in the e-Meeting. R: The Board did not publish information about access to the Zoom meeting because the Board's Office was open for public participation. The Board is unaware of anyone who desired or had reason to appear at these meetings who were unable to do so because they did not have access to Zoom meeting information. On July 14, 2023, the fully assembled Board will meet in person at the Board's Office to review the full Agenda and Minutes from this meeting to affirm concurrence with the business conducted at the meeting. If the Board determines that it is necessary to take corrective action on any Agenda item, the Board will do so immediately.

Issue No.	Meeting Date	Finding and Response
2023-002	January 20, 2023	F: Six (6) Board Members, Legal Counsel, and Staff were present in the Board's Office. Two (2) Board Members participated via Zoom. The Board failed to publish access information for the Public to participate in the e-Meeting. R: The Board did not publish information about access to the Zoom meeting because the Board's Office was open for public participation. The Board is unaware of anyone who desired or had reason to appear at these meetings who were unable to do so because they did not have access to Zoom meeting information. On July 14, 2023, the fully assembled Board will meet in person at the Board's Office to review the full Agenda and Minutes from this meeting to affirm concurrence with the business conducted at the meeting. If the Board determines that it is necessary to take corrective action on any Agenda item, the Board will do so immediately.

To reiterate, the Board intends to remedy these Findings at its upcoming regular Meeting on July 14, 2023 and takes these matters seriously. The Board and its staff will work diligently to remain in compliance with the directives of the Open Meetings Act and all statutory requirements related to conducting meetings as it continues to provide excellent customer service to licensees and stakeholders and works to protect the public while maintaining efficient and effective agency operation.

Please contact us if you need any other information or have questions about the contents of this correspondence. Thank you.

Sincerely,



Lori H. Rall
Executive Director