

1 SB251  
2 162785-2  
3 By Senator Ward  
4 RFD: Health and Human Services  
5 First Read: 17-MAR-15

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8 SYNOPSIS: Under existing law, the practice of  
9 psychology is regulated by the Board of Examiners  
10 in Psychology, which is comprised of members  
11 appointed by the Governor. Existing law establishes  
12 the process and requirement for being licensed to  
13 practice psychology in the state.

14 This bill would clarify that the board is  
15 comprised of eight members and that one of those  
16 members shall be primarily engaged in teaching,  
17 research, or administration.

18 This bill would revise the process for a  
19 licensee to request that the board designate a  
20 license as inactive to authorize the board to  
21 assess an inactive licensee fee. This bill would  
22 require an applicant for a license to submit  
23 fingerprints and execute criminal history  
24 information release and would require the Alabama  
25 Bureau of Investigation to forward the fingerprints  
26 to the Federal Bureau of Investigation. This bill

1 would specify that the background information  
2 obtained by the board is confidential.

3 This bill would remove obsolete language  
4 from the existing law.

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

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

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 Relating to the Alabama Board of Examiners in  
4 Psychology; to amend Sections 34-26-21, 34-26-41, 34-26-43.1,  
5 34-26-62, 34-26-65, and 34-26-66, Code of Alabama 1975; to  
6 repeal Section 34-26-20, Code of Alabama 1975, to clarify the  
7 number and qualifications of the members of the board; to  
8 further specify the procedure for a licensee to request to be  
9 placed on inactive status by authorizing the board to charge  
10 an inactive license fee; to require a criminal background  
11 check of each applicant for a license and to specify the  
12 duties of the Alabama Bureau of Investigation in providing  
13 background information; to remove obsolete language; and in  
14 connection therewith would have as its purpose or effect the  
15 requirement of a new or increased expenditure of local funds  
16 within the meaning of Amendment 621 of the Constitution of  
17 Alabama of 1901, now appearing as Section 111.05 of the  
18 Official Recompilation of the Constitution of Alabama of 1901,  
19 as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 34-26-21, 34-26-41, 34-26-43.1,  
22 34-26-62, 34-26-65, and 34-26-66, Code of Alabama 1975, are  
23 amended to read as follows:

24 "§34-26-21.

25 "(a) (1) There is created ~~a State~~ the Alabama Board  
26 of Examiners in Psychology to consist of eight persons who are  
27 residents of this state, who shall be appointed by the

1 Governor ~~under conditions set forth in this section. At least~~  
2 ~~one~~ as follows:

3 "a. ~~One~~ member shall be ~~chosen from and shall be~~ a  
4 member of the faculty, ~~with the rank of assistant professor or~~  
5 ~~above,~~ of the an accredited colleges and universities of  
6 college or university in the state, ~~shall~~ with the rank of  
7 assistant professor or above who is primarily engaged in  
8 teaching, research, or administration of psychology ~~be~~ and is  
9 a ~~licensed~~ psychologist licensed under this chapter, ~~and shall~~  
10 ~~be primarily engaged in teaching, research, or administration~~  
11 ~~of psychology.~~

12 "b. Five members shall be ~~licensed~~ psychologists  
13 licensed under this chapter.

14 "c. One member shall be ~~licensed as~~ a psychological  
15 technician licensed under this chapter.

16 "d. One member shall be a member of the general  
17 public.

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

25 "(3) Board members shall not serve more than two  
26 consecutive terms of office. Not later than October 1 of each  
27 year the executive council of the Alabama Psychological

1 Association, or of its successor organization, shall submit to  
2 the Governor the names of two qualified candidates for the  
3 position of the board to be vacated by reason of expiration of  
4 term of office. Efforts shall be made to have nominations,  
5 with due consideration, reflect the geographic, gender,  
6 racial, and ethnic diversity of the state without regard to  
7 political affiliation. From the two candidates the Governor  
8 shall appoint one member not later than January 1 to serve on  
9 the board for a term of five years. With the exception of the  
10 member appointed from the general public, other vacancies  
11 occurring in the board shall be filled for the unexpired term  
12 by appointment of the Governor from two qualified candidates  
13 for each vacancy submitted within 30 days after the vacancy  
14 occurs by the executive council of the association, or by its  
15 successor organization. Those appointments shall be made by  
16 the Governor within 30 days after the candidates' names have  
17 been submitted. If the association, or its successor  
18 organization, fails to furnish the Governor with the list of  
19 persons eligible for appointment to the board, the Governor  
20 shall appoint any qualified members of the profession of  
21 psychology to the vacant position on the board.

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

1 appointed by the Governor. Efforts shall be made to have  
2 nominations, with due consideration, reflect the geographic,  
3 gender, racial, and ethnic diversity of the state without  
4 regard to political affiliation.

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

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

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

25 "(f) The board shall elect annually a chair and  
26 vice-chair. Each member shall receive the same per diem and  
27 travel allowance paid to state employees for each day's

1 attendance at an official meeting of the board. The board  
2 shall hold at least one regular meeting each year. Additional  
3 meetings may be held at the discretion of the chair or at the  
4 written request of any two members of the board. The board  
5 shall adopt a seal which shall be affixed to all licenses  
6 issued by the board. The board shall from time to time adopt  
7 rules and regulations necessary for the performance of its  
8 duties. Four members of the board shall constitute a quorum.  
9 The board may hire any assistants necessary to carry on its  
10 activities within the limit of funds available to the board.  
11 The board may accept grants from foundations, individuals, and  
12 institutions to carry on its functions.

13 "§34-26-41.

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

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

25 "(b) A candidate for licensure as a psychologist  
26 shall furnish the board with satisfactory evidence of all of  
27 the following:



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

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

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

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

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

14           "(6) He or she has not within the preceding six  
15 months failed an examination given by the board.

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

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

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

24           "(3) He or she has received a doctorate degree in  
25 psychology from an educational institution accredited and  
26 recognized by national and regional accrediting agencies as  
27 maintaining satisfactory standards or, in lieu of a doctorate

1 degree in psychology, a doctorate degree in a closely allied  
2 field, if the training received therefor is substantially  
3 similar to that required of doctorates obtained from  
4 departments of psychology.

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

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

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

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

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

26 "(2) The applicant shall submit all of the following  
27 to the board:

1           "a. An application for licensure and the  
2           corresponding licensure fee.

3           "b. Verification forms from the jurisdictions of  
4           licensure, verifying that licensure is current and in good  
5           standing.

6           "c. A verification form from the ASPPB or from the  
7           ABPP.

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

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

20          "(f) An individual who possesses a valid license to  
21          practice psychology independently at the doctoral level, by  
22          any jurisdiction recognized by the Association of State and  
23          Provincial Psychology Boards, may practice psychology in  
24          Alabama for no more than 30 days each calendar year without  
25          applying for a license to practice psychology in Alabama,  
26          unless otherwise exempted pursuant to this chapter. This  
27          authority to practice does not apply to a psychologist who has

1       been denied licensure in Alabama, is a legal resident of  
2       Alabama, or intends to practice full-time or a major portion  
3       of his or her time in Alabama.

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

10              ~~"(h) A licensee may request that the board designate~~  
11      ~~his or her license as inactive at any time before the date of~~  
12      ~~renewal. Granting inactive status to a licensee revokes all~~  
13      ~~privileges associated with licensure under this chapter until~~  
14      ~~reactivation is requested by the licensee. Procedures for~~  
15      ~~reactivating a license and granted by the board shall be~~  
16      ~~established by the rule of the board.~~

17              "~~(i)~~ (h) A candidate for licensure as a psychological  
18       technician shall furnish the board with satisfactory evidence  
19       of all of the following:

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

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

22                      "(3) He or she has a master's degree in psychology  
23       from a regionally accredited institution of higher education,  
24       or has completed the equivalent of a master's degree from an  
25       American Psychological Association accredited doctoral program  
26       in psychology, as determined by the board. Educational  
27       requirements are provided in Section 34-26-65.

1           "(4) Is competent as a psychological technician, as  
2 shown by passing examinations, written or oral, or both, as  
3 prescribed by the board.

4           "(5) Is not engaged in unethical practice as defined  
5 in the most recent version of the Code of Ethics of the  
6 American Psychological Association.

7           "(6) Has not within the preceding six months failed  
8 an examination given by the board.

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

24           "§34-26-43.1.

25           "(a) The Board of Examiners in Psychology shall  
26 charge each candidate for licensure as a psychologist or  
27 psychological technician a fee sufficient to cover the entire

1 actual costs of the examination of the applicant as well as  
2 the cost of criminal history and civil background checks of  
3 the applicant.

4 "(b) Applicants for licensure as a psychologist or  
5 psychological technician shall submit to a criminal history  
6 background check.

7 "(c) The applicant shall provide fingerprints and  
8 shall execute a criminal history information release using  
9 forms provided to the applicant by the board.

10 "(d) The applicant is responsible for having his or  
11 her fingerprints made.

12 "(e) The applicant shall provide to the board office  
13 his or her completed fingerprint cards, along with a cashier's  
14 check or money order made payable to the Alabama Bureau of  
15 Investigation (ABI) in the amount sufficient to cover the  
16 actual cost of the background check. The board shall submit  
17 the fingerprint cards to the ABI.

18 "(f) The ABI shall be responsible for forwarding  
19 applicants' fingerprints to the Federal Bureau of  
20 Investigation for a national criminal history record check.

21 "(g) Information received by the board pursuant to a  
22 criminal history background check shall be confidential and  
23 shall not be a public record, except that such information  
24 received by and relied upon by the board in denying the  
25 issuance of a certificate of qualification may be disclosed as  
26 may be necessary to support the denial.

27 "§34-26-62.

1           "(a) A psychological technician supervisee shall  
2 perform all of the following duties:

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

9           "(2) Attend scheduled supervision sessions.

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

13          "(4) Cooperate with the supervisor to assure that  
14 all conditions of the supervision are fulfilled.

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

18          "(6) File a revised supervision contract form within  
19 45 days of a change in the conditions specified in the  
20 supervision contract form on file with the board.

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

24          "(b) Failure to comply with any of the duties  
25 specified in subsection (a) shall constitute a Class C B  
26 misdemeanor.

27          "§34-26-65.

1           ~~"Prior to September 1, 2000, the degree program of~~  
2 ~~the applicant shall be publicly identified and clearly labeled~~  
3 ~~as a psychology program. On and after September 1, 2000, the~~  
4 The degree program of the applicant shall meet all of the  
5 following requirements:

6           "(1) The program shall be publicly identified and  
7 clearly labeled as a psychology program.

8           "(2) The program shall maintain clear authority and  
9 primary responsibility for the core and concentration areas  
10 whether or not the program crosses administrative lines.

11           "(3) The program shall have an identifiable body of  
12 students in residence at the institution who are matriculated  
13 in the program for degree purposes.

14           "(4) The program shall have an identifiable  
15 full-time psychology faculty in residence at the institution,  
16 sufficient in size and breadth to carry out the  
17 responsibilities of the program, and employed by and providing  
18 instruction at the main campus of the institution.

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

22           "(6) The program shall be an integrated, organized  
23 sequence of study in psychology as demonstrated by an  
24 identifiable curriculum track or tracks wherein course  
25 sequences are outlined.

26           "(7) The program shall encompass the equivalent of a  
27 minimum of two academic years, at least one of which shall be



1 one academic year of full-time graduate study in student  
2 residence at the institution from which the degree is granted.  
3 Residence requires interaction with psychology faculty and  
4 other matriculated psychology students. A one year residency  
5 shall consist of 30 semester hours or 45 quarter hours taken  
6 on a full-time or part-time basis at the institution.

7 "(8) The program shall include practica or other  
8 field experience appropriate to the area of specialty and  
9 practice as a psychological technician. This experience shall  
10 satisfy all of the following criteria:

11 "a. The experience shall be a planned or directed  
12 program of training in psychology, in contrast to on-the-job  
13 training, and shall have provided the trainee with a planned  
14 and directed sequence of training integrated with the  
15 educational program in which the trainee is enrolled. The  
16 training shall be planned by the faculty of the program rather  
17 than by the trainee.

18 "b. The training site shall have a clearly  
19 designated and licensed psychologist who is responsible for  
20 the integrity and quality of the training program.

21 "c. The training shall last a minimum of six months  
22 and consist of at least 500 hours of supervised training. At  
23 least 50 percent of the training shall be spent in direct  
24 contact with patients or clients.

25 "d. The training program shall have a written  
26 program description detailing the functioning of the program

1 and shall be approved by the psychology program of the trainee  
2 before training occurs.

3 "e. The training site staff shall provide a minimum  
4 of one hour per five hours of client contact of face-to-face,  
5 primarily individual, regularly scheduled supervision,  
6 overseeing the training experience.

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

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

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

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

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

1            "b. An applicant whose credentials have been  
2 approved by the board for examination at the licensed  
3 psychologist level may be issued a license as a psychological  
4 technician if the applicant fails an examination at the  
5 licensed psychologist level but passes the examination at the  
6 licensed psychological technician level. To receive this  
7 license, the applicant shall file all required application  
8 materials with the board for licensure at the psychological  
9 technician level.

10            "§34-26-66.

11            ~~"After one year from March 11, 1998, no~~ No person  
12 shall hold himself or herself out to the public as a licensed  
13 psychological technician or practice as a psychological  
14 technician unless licensed by the board. Failure to comply  
15 with this section shall constitute a Class ~~C~~ B misdemeanor."

16            Section 2. Section 34-26-20, Code of Alabama 1975,  
17 is repealed.

18            Section 3. Although this bill would have as its  
19 purpose or effect the requirement of a new or increased  
20 expenditure of local funds, the bill is excluded from further  
21 requirements and application under Amendment 621, now  
22 appearing as Section 111.05 of the Official ReCompilation of  
23 the Constitution of Alabama of 1901, as amended, because the  
24 bill defines a new crime or amends the definition of an  
25 existing crime.

1                   Section 4. This act shall become effective on the  
2   first day of the third month following its passage and  
3   approval by the Governor, or its otherwise becoming law.