

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

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

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§34-26-21.

"(a) (1) There is created a ~~State~~ the Alabama Board of Examiners in Psychology to consist of eight persons who are 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

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. Efforts shall be made to have nominations, with due consideration, reflect the geographic, gender, racial, and ethnic diversity of the state without regard to political affiliation. 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

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:

"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

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 E B
26 misdemeanor.

27 "§34-26-65.

"Prior to September 1, 2000, the degree program of the applicant shall be publicly identified and clearly labeled as a psychology program. On and after September 1, 2000, the 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

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.

"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.

"§34-26-66.

"After one year from March 11, 1998, no 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 ϵ B misdemeanor."

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

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