

1 HB584  
2 135398-3  
3 By Representatives Patterson, McClendon, Chesteen, Beech,  
4 Henry and Nordgren  
5 RFD: Health  
6 First Read: 20-MAR-12

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8 SYNOPSIS: This bill would make numerous revisions to  
9 the statute regulating the practice of psychology.  
10 The bill would define terms related to the  
11 practice; provide further for the privileged  
12 communications between psychologists and their  
13 clients; provide further for the membership of the  
14 Board of Examiners in Psychology; provide further  
15 for renewal and licensing fees of psychologists and  
16 psychological technicians; provide further for  
17 continuing education; provide further for licensing  
18 mobility and temporary and emergency disaster  
19 licensing; require legal citizenship or legal  
20 presence in the county; increase the fines for  
21 unauthorized practice of psychology; provide civil  
22 remedies for enjoining violations of the licensing  
23 act; provide for background check fee; provide  
24 further for complaints of licensees; and provide  
25 further for hearings of alleged violations.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 Relating to the practice of psychology; to amend  
5 Sections 34-26-1, 34-26-2, 34-26-21, 34-26-22, 34-26-40,  
6 34-26-41, 34-26-42, 34-26-43, 34-26-43.1, 34-26-44, 34-26-45,  
7 34-26-46, and 34-26-47, Code of Alabama 1975; so as to further  
8 define terms related to the practice of psychology; provide  
9 further for the privileged communications between  
10 psychologists and their clients; provide further for the  
11 membership of the Board of Examiners in Psychology; provide  
12 further for renewal and licensing fees of psychologists and  
13 psychological technicians; provide further for continuing  
14 education; provide further for licensing mobility and  
15 temporary and emergency disaster licensing; require legal  
16 citizenship or legal presence in the county; increase the  
17 fines for unauthorized practice of psychology; provide civil  
18 remedies for enjoining violations of the licensing act;  
19 provide for background check fee; provide further for  
20 complaints of licensees; and provide further for hearings of  
21 alleged violations.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 34-26-1, 34-26-2, 34-26-21,  
24 34-26-22, 34-26-40, 34-26-41, 34-26-42, 34-26-43, 34-26-43.1,  
25 34-26-44, 34-26-45, 34-26-46, and 34-26-47, Code of Alabama  
26 1975, are amended to read as follows:

27 "§34-26-1.

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

3           "(1) Psychologist.

4           "(2) Psychological technician.

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

19           "(2) A person represents himself or herself to be a  
20 psychologist within the meaning of this chapter when he or she  
21 holds himself or herself out to the public by any title or  
22 description of services incorporating the words psychological,  
23 psychologist, or psychology; or under such title or  
24 description offers or renders services defined as the practice  
25 of psychology in this act to individuals, groups of  
26 individuals, or corporate entities or other organizations.

1           "(3) The term psychological services as used in this  
2 chapter refers to any services under subsection (b) (1) if the  
3 words psychological, psychologist, or psychology are used to  
4 describe such services or used in any report, evaluation,  
5 assessment, or public presentation by the person or  
6 organization offering to render or rendering such services.

7           "(4) The term practice of psychology as used in this  
8 chapter is defined as the observation, description,  
9 evaluation, interpretation, and modification of human behavior  
10 by the application of psychological principles, methods, and  
11 procedures, including the use of projective assessment  
12 techniques, for any of the following purposes:

13           "a. Preventing, eliminating, evaluating, assessing,  
14 or predicting symptomatic, maladaptive, or undesired  
15 behavior.

16           "b. Evaluating, assessing, or facilitating the  
17 enhancement of individual, group, or organizational  
18 effectiveness, including personal effectiveness, adaptive  
19 behavior, interpersonal relationships, work and life  
20 adjustment, health, and individual, group, and organizational  
21 performance.

22           "c. Assisting in legal decision-making.

23           "(5) The practice of psychology includes, but is not  
24 limited to, any of the following:

25           "a. Psychological testing and evaluation or  
26 assessment of personal characteristics, such as intelligence;  
27 personality; cognitive, physical, or emotional abilities;

1 skills; interests; aptitudes; and neuropsychological  
2 functioning.

3 "b. Counseling, psychoanalysis, psychotherapy,  
4 hypnosis, biofeedback, and behavior analysis and therapy.

5 "c. Diagnosis, treatment, and management of mental,  
6 cognitive, and emotional disorder or disability, substance use  
7 disorders, disorders of habit or conduct, as well as of the  
8 psychological aspects of physical illness or condition,  
9 accident, injury, or disability.

10 "d. Psychoeducational evaluation, therapy, and  
11 remediation.

12 "e. Consultation with physicians, other health care  
13 professionals, and patients regarding all available treatment  
14 options, with respect to provision of care for a specific  
15 patient or client.

16 "f. Provision of direct services to individuals or  
17 groups for the purpose of enhancing individual and, thereby,  
18 organizational effectiveness, using psychological principles,  
19 methods, or procedures to assess and evaluate individuals on  
20 personal characteristics for individual development and  
21 behavioral change for making decisions about the individual,  
22 such as selection.

23 "g. The supervision of any of the above activities.

24 "(6) The practice of psychology shall be construed  
25 within the definition of this section without regard to  
26 whether payment is received for services rendered or if the  
27 practice was conducted in person or via electronic means.

1           "~~(2)~~(7) Nothing in ~~this~~ the definition of the  
2 practice of psychology shall be construed as permitting the  
3 use of those forms of psychotherapy which involve the  
4 administration or prescription of drugs or electro-shock or in  
5 any way infringing upon the practice of medicine as defined in  
6 the laws of this state. A psychologist shall not attempt to  
7 diagnose, prescribe for, treat, or advise a client with  
8 reference to problems or complaints falling outside the  
9 boundaries of psychological practice.

10           "~~(3)~~(8) Nothing in ~~this~~ the definition of the  
11 practice of psychology shall be construed as preventing  
12 qualified school counselors, vocational guidance counselors,  
13 vocational rehabilitation counselors, speech and hearing  
14 therapists, speech pathologists and audiologists, reading  
15 therapists, or teachers of exceptional children from rendering  
16 to the public for remuneration services for which they are  
17 qualified by training and experience involving the techniques  
18 of interviewing, administering, and interpreting tests of  
19 mental abilities, achievement, interests, and aptitudes for  
20 such purposes as evaluation or for educational or vocational  
21 guidance, selection, or placement, so long as they do not hold  
22 themselves out to be "psychologists", use the term  
23 psychologist in their title, or describe their evaluations as  
24 representing psychological or neuropsychological assessments.

25           "(9) Nothing in this definition shall be construed  
26 as preventing technical and support staff from providing

1 functions associated with psychological assessments under the  
2 supervision of a licensed psychologist.

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

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

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



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

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

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

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

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

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

8 "§34-26-2.

9 "~~(1) For (a) Except as otherwise provided in this~~  
10 section, for the purpose of this chapter, the confidential  
11 relations and communications between licensed psychologists,  
12 licensed psychiatrists, or licensed psychological technicians  
13 and their clients are privileged and placed upon the same  
14 basis as those provided by law between attorney and client,  
15 and nothing in this chapter shall be construed to require any  
16 such privileged communication to be disclosed.

17 "(b) In judicial proceedings, whether civil,  
18 criminal, or juvenile, in legislative and administrative  
19 proceedings, and in proceedings preliminary and ancillary  
20 thereto, a client or patient, or his or her guardian or  
21 personal representative, may refuse to disclose or may prevent  
22 the disclosure of confidential information, including  
23 information contained within administrative records,  
24 communicated to a psychological technician or a psychologist  
25 licensed within this chapter and their agents, students,  
26 interns, and trainees under the supervision of a licensed  
27 psychologist, and their agents for the purpose of diagnosis,

1 evaluation, or treatment of any mental or emotional condition  
2 or disorder. In the absence of evidence to the contrary, the  
3 psychologist is presumed authorized to claim the privilege on  
4 behalf of the client or the patient.

5 "(c) The privilege of confidentiality may not be  
6 claimed by the client or patient, or claimed on his or her  
7 behalf by authorized persons, in the following circumstances:

8 "(1) Where abuse or harmful neglect of children, the  
9 elderly, or disabled or incompetent individuals is known or  
10 suspected.

11 "(2) Where the validity of a will of a former client  
12 or patient is contested.

13 "(3) Where such information is necessary for the  
14 psychologist to defend against a malpractice action brought by  
15 the client or patient.

16 "(4) Where an immediate threat of physical violence  
17 against a readily identifiable victim is disclosed to the  
18 psychologist.

19 "(5) Where an immediate threat of self-harm is  
20 readily disclosed to the psychologist.

21 "(6) Where the client or patient is undergoing  
22 evaluation pursuant to a court order.

23 "(7) When the purpose of the proceeding is to  
24 substantiate and collect on a claim for mental or emotional  
25 health services rendered to the patient or any other cause of  
26 action arising out of the professional relationship.

1           "(8) In the context of an investigation and hearing  
2 brought by a client or patient and conducted by the board,  
3 where violations of this chapter are at issue.

4           "§34-26-21.

5           "(a) There is created a State Board of Examiners in  
6 Psychology to consist of seven persons who are residents of  
7 this state, who shall be appointed by the Governor under  
8 conditions set forth in this section. At least ~~two members~~ one  
9 member shall be chosen from and shall be ~~members~~ a member of  
10 the faculty, with the rank of assistant professor or above, of  
11 the accredited colleges and universities of the state, shall  
12 be licensed psychologists under this chapter, and shall be  
13 primarily engaged in teaching, research, or administration of  
14 psychology. ~~Three~~ Five members shall be licensed ~~practicing~~  
15 psychologists under this chapter. One member shall be licensed  
16 as a psychological technician ~~or qualified for licensure as a~~  
17 ~~psychological technician~~ under this chapter. One member shall  
18 be a member of the general public.

19           "(b) The board shall perform those duties and  
20 exercise those powers prescribed in this chapter. No member of  
21 the board shall be liable to civil action for any act  
22 performed in good faith in the performance of his or her duty  
23 pursuant to this chapter. ~~Original appointments to the board~~  
24 ~~shall be for terms as follows: One practicing psychologist for~~  
25 ~~a term of one year, one academic psychologist for a term of~~  
26 ~~two years, one practicing psychologist for a term of three~~  
27 ~~years, one academic psychologist for a term of four years, and~~

1 ~~one practicing psychologist for a term of five years.~~

2 Vacancies shall be filled for any unexpired term, and members  
3 shall serve until their successors are appointed and have  
4 qualified.

5 "(c) Board members shall not serve more than two  
6 consecutive terms of office. ~~Within 30 days after October 1,~~  
7 ~~1963, the Executive Committee of the Alabama Psychological~~  
8 ~~Association, or of its successor organization, shall submit to~~  
9 ~~the Governor a list of qualified candidates for the original~~  
10 ~~five positions on the board. The list shall contain names of~~  
11 ~~at least two qualified academic psychologists and two~~  
12 ~~qualified practicing psychologists, from which the Governor~~  
13 ~~shall select the board within 60 days.~~ Not later than October  
14 1 of each year the executive ~~committee~~ council of the  
15 ~~association~~ Alabama Psychological Association, or its  
16 successor organization, shall submit to the Governor the names  
17 of two qualified candidates for the position of the board to  
18 be vacated by reason of expiration of term of office. All  
19 efforts shall be made to have all nominations made with due  
20 consideration to the geographic, gender, racial, and ethnic  
21 diversity of the state and without regard to political  
22 affiliation. From the two candidates the Governor shall  
23 appoint one member not later than January 1 to serve on the  
24 board for a term of five years. With the exception of the ~~two~~  
25 ~~members~~ member appointed from the general public ~~pursuant to~~  
26 ~~subsection (b)~~, other vacancies occurring in the board shall  
27 be filled for the unexpired term by appointment of the

1 Governor from two qualified candidates for each vacancy  
2 submitted within 30 days after the vacancy occurs by the  
3 executive ~~committee~~ council of the association, or by its  
4 successor organization. Those appointments shall be made by  
5 the Governor within 30 days after the candidates' names have  
6 been submitted. If the association, or its successor  
7 organization, fails to furnish the Governor with the list of  
8 persons eligible for appointment to the board, the Governor  
9 shall appoint any qualified members of the profession of  
10 psychology to the vacant position on the board.

11 ~~"(b) (1) Within 30 days following October 1, 1988,~~  
12 ~~the (d) The Governor shall appoint two new members to the~~  
13 ~~board for a five-year terms term of office. Each of the two~~  
14 ~~new members shall be members a member of the general public,~~  
15 ~~and who is an Alabama residents resident who are not licensed~~  
16 ~~by the board, and whose spouses spouse, if married, are is not~~  
17 ~~licensed by the board. One of the two new public members, and~~  
18 ~~his or her successors, shall be Black. Vacancies for unexpired~~  
19 ~~terms of the general public member shall be filled by the~~  
20 ~~Governor. Successor public members shall be appointed by the~~  
21 ~~Governor. All efforts shall be made to have all such~~  
22 ~~appointments made with due consideration to the geographic,~~  
23 ~~gender, racial, and ethnic diversity of the state without~~  
24 ~~regard to political affiliation.~~

25 ~~"(2) Immediately upon the expiration or vacancy of~~  
26 ~~the public position not held by a Black individual that public~~  
27 ~~position on the board shall be abolished. Thereafter, only one~~

1 ~~public position shall remain on the board. That public~~  
2 ~~position shall continue to be filled by a member of the~~  
3 ~~general public who is Black.~~

4 ~~"(c) (1) On October 1, 1997, there is created a~~  
5 ~~psychological technician position on the board. The Governor~~  
6 ~~shall appoint a candidate to the psychological technician~~  
7 ~~position on the board. The person initially appointed to fill~~  
8 ~~the psychological technician position on the board shall have~~  
9 ~~a master's degree in psychology and shall not be required to~~  
10 ~~be a licensed psychological technician. Any subsequent~~  
11 ~~appointment to the psychological technician position on the~~  
12 ~~board shall be a licensed psychological technician.~~

13 ~~"(2)(e) To fill the psychological technician~~  
14 ~~position on the board, the Executive Council of the Alabama~~  
15 ~~Psychological Association, or its successor organization,~~  
16 ~~shall submit a list of four nominees to the executive~~  
17 ~~committee of the association, or its successor organization,~~  
18 ~~who shall select two names from the list to be submitted to~~  
19 ~~the Governor by October 1 prior to the term expiration. From~~  
20 ~~the two candidates, the Governor shall appoint one not later~~  
21 ~~than January 1 to serve on the board for a term of five years.~~

22 ~~"(d)(f) Any board members may be removed by the~~  
23 ~~Governor after notice and hearing for incompetence, neglect of~~  
24 ~~duty, malfeasance in office, or moral turpitude.~~

25 ~~"(e)(g) Immediately before entering public duties of~~  
26 ~~the office, the members of the board shall take the~~  
27 ~~constitutional oath of office and shall file the oath in the~~

1 Office of the Governor, who upon receiving the oath shall  
2 issue to each member a certificate of appointment. The board  
3 shall have available for the Governor or his or her  
4 representative detailed reports on proceedings and shall make  
5 annual reports in the form required by the Governor.

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

21 "§34-26-22.

22 "(a) The Board of Examiners in Psychology shall have  
23 authority to administer oaths, to summon witnesses and to take  
24 testimony in all matters relating to its duties. The board  
25 shall be the sole agency in this state empowered to certify  
26 concerning competence in the practice of psychology and the  
27 sole board empowered to recommend licensure for the practice



1 of psychology. The board shall have the power to recognize  
2 areas of specialization for practice and supervision, and to  
3 ensure through rules and regulations and enforcement that  
4 licensees limit their practice to demonstrated areas of  
5 competence as documented by relevant professional education,  
6 training, and experience. No individual shall be issued a  
7 license for the practice of psychology who has not been  
8 previously certified at the appropriate level of practice by  
9 the board. The board shall certify as competent to practice  
10 psychology or as competent to practice as a psychological  
11 technician all persons who shall present satisfactory evidence  
12 of attainments and qualifications under provisions of this  
13 chapter and the rules and regulations of the board. The  
14 certification shall be signed by the chair of the board under  
15 the adopted seal of the board. The chair shall, under the  
16 direction of the board, aid the district attorneys in the  
17 enforcement of this chapter and the prosecutions of all  
18 persons charged with the violation of its provisions.  
19 Psychologists and psychological technicians licensed by the  
20 board shall be required to submit annually to the board a  
21 completed registration fee, not to exceed five hundred dollars  
22 (\$500) ~~of up to one hundred fifty dollars (\$150) to be for~~  
23 ~~psychologists and of up to one hundred dollars (\$100) for~~  
24 ~~psychological technicians as set~~ to be determined by the  
25 board, ~~after the first year~~. The list of registered licensed  
26 psychologists and registered licensed psychological

1 technicians shall be made available to interested individuals  
2 or organizations at a nominal charge.

3 "(b) Every psychology license issued by the board  
4 shall expire on October 15th of every year and shall be  
5 renewable for one year if all requirements for renewal,  
6 including continuing education requirements, are satisfied and  
7 the renewal fee is paid. If a license expires because of  
8 failure of the licensee to complete the renewal form, pay  
9 renewal fees, or meet continuing education requirements, the  
10 board may renew the license within six months after the  
11 expiration date if all delinquencies are remediated, subject  
12 to an additional late fee to be determined by the board in its  
13 rules. Failure to renew a license within six months after its  
14 expiration date shall have the effect of the license being  
15 considered lapsed. A lapsed license may be renewed within a  
16 period of two years after the lapse upon payment of fees in  
17 arrears, or thereafter, upon payment of a renewal fee, or upon  
18 meeting continuing education requirements, as determined by  
19 the board. Any licensed psychologist or psychological  
20 technician whose license has lapsed beyond six years shall  
21 reapply under the then current regulations for initial  
22 licensure.

23 "(b)(c) By the year 1990 the The board shall  
24 implement requirements through its rules and regulations that  
25 licensees shall engage in annual continuing education  
26 activities other than individual study to renew the license to  
27 practice. Continuing education activities shall be relevant to

1 the practice of psychology or applicable within the practice  
2 of psychology. The board may charge a reasonable fee to  
3 register and keep records of licensees' continuing education  
4 credits. ~~Failure to engage in continuing education or failure~~  
5 ~~to pay fees for registration of continuing education credits~~  
6 ~~will provide grounds for suspension of licensure.~~

7 "(c)(d) The board may promulgate and adopt rules and  
8 regulations as are necessary to implement the requirements of  
9 this chapter. The rules and regulations shall be adopted  
10 pursuant to the state administrative procedure statutes.

11 "§34-26-40.

12 "(a) It is specifically prohibited that any  
13 individual or organization shall present himself, herself, or  
14 it, or be presented to the public by any title incorporating  
15 the name "psychological," "psychologist," or "psychology"  
16 other than so licensed by this chapter. Any psychological  
17 scientist, including a school psychologist who holds a  
18 certificate issued by the State Superintendent of Education,  
19 employed by a recognized research laboratory, school, college,  
20 university, or governmental agency or department may represent  
21 himself or herself by the academic or research title conferred  
22 upon him or her by the administration of the laboratory,  
23 school, college or university, or any governmental agency or  
24 department, but may not use the title psychological technician  
25 or licensed psychologist. Nothing in this section shall be  
26 construed as permitting such persons to offer their services  
27 to any other persons or organizations as consultants or to

1 accept remuneration for any psychological services other than  
2 that of their institutional salaries, or to provide direct  
3 psychological services to individuals, unless they have been  
4 licensed under this chapter. Visiting lecturers from  
5 recognized laboratories, schools, colleges, universities, or  
6 any governmental agencies or departments are exempt from the  
7 provisions of this section and may utilize their academic or  
8 research titles when presenting lectures or performing any  
9 consultation as might be required in their academic or  
10 research functions. Students of psychology, psychological  
11 interns, and other persons preparing for the profession of  
12 psychology under qualified supervision in recognized training  
13 institutions or facilities may be designated by such titles as  
14 "psychological intern," "psychological trainee," or others  
15 clearly indicating such training status. No individual may  
16 employ or use the title "licensed psychologist" or imply in  
17 any way that he or she is licensed by the board unless he or  
18 she is actually so licensed and registered under this chapter.

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

25 "§34-26-41.

26 (a) (1) Any person wishing to obtain the right to  
27 practice as a psychologist or psychological technician in this

1 state, who has not heretofore been licensed to do so, shall,  
2 before it shall be lawful for him or her to practice as a  
3 psychologist or psychological technician in this state, make  
4 application to the Board of Examiners in Psychology through  
5 the chair upon such form and in such manner as prescribed by  
6 the board.

7 "(2) Unless a person has first obtained a valid  
8 license as aforesaid, it shall be unlawful and a violation of  
9 this chapter for him or her to practice as a psychologist or  
10 psychological technician.

11 "(b) A candidate for licensure as a psychologist  
12 shall furnish the board with satisfactory evidence of all of  
13 the following:

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

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

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

20 "(4) He or she is competent in psychology as shown  
21 by passing such examinations, written or oral, or both, as the  
22 board will prescribe, unless exempted pursuant to subsection  
23 (d).

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

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

3           "(7) He or she is a citizen of the United States or,  
4 if not a citizen of the United States, a person who is legally  
5 present in the United States with appropriate documentation  
6 from the federal government.

7           "~~(c) The board may issue a license to any person who  
8 is a licensed psychologist of another state, and who applies  
9 to the board, provided the licensee of another state shall  
10 furnish the board with satisfactory evidence of all of the  
11 following:~~

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

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

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

23           "~~(4) He or she is competent in psychology as shown  
24 by the passing of an examination, unless exempted pursuant to  
25 subsection (d), substantially equivalent to the examinations  
26 prescribed in subsection (a), or by the passing of a  
27 recognized national examination in psychology.~~

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

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

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

9           ~~"(8) He or she is a citizen of the United States or,~~  
10 ~~if not a citizen of the United States, A person who is legally~~  
11 ~~present in the United States with appropriate documentation~~  
12 ~~from the federal government.~~

13           "(c) The board shall accept the Certificate of  
14 Professional Qualification (CPO) in psychology issued by the  
15 Association of State and Provincial Psychology Boards, or its  
16 successor organization, or board certification by the American  
17 Board of Professional Psychology (ABPP), as evidence that the  
18 applicant has met the requirements for licensure except for  
19 any local jurisdictional examinations.

20           "(d) The board shall issue a license to any  
21 applicant with a doctoral degree in psychology who is  
22 otherwise qualified pursuant to subsections (a) and (b), who  
23 is licensed in at least two states and who has passed a  
24 recognized national exam.

25           "(e) An individual who possesses a valid license to  
26 practice psychology independently at the doctoral level by any  
27 jurisdiction recognized by the Association of State and

1 Provincial Psychology Boards may practice psychology in  
2 Alabama for no more than 30 days each calendar year without  
3 applying for a license to practice psychology in Alabama  
4 unless exempted pursuant to this chapter. This authority to  
5 practice does not apply to a psychologist who has been denied  
6 licensure in Alabama, is a legal resident of Alabama, or  
7 intends to practice full-time or a major portion of his or her  
8 time in Alabama.

9 "(f) An individual licensed to practice psychology  
10 in another jurisdiction, who is providing services in response  
11 to a declared disaster or state of emergency, may practice  
12 psychology in this jurisdiction for no more than 60 days per  
13 year without applying for a license upon proper notification  
14 as required by the board in its rules.

15 "(g) A licensee may request that the board designate  
16 his or her license with inactive status at any point prior to  
17 the date of renewal. Granting inactive status to a licensee  
18 revokes all privileges associated with this chapter until  
19 reactivation is requested by the licensee. Procedures for  
20 reactivating a license for practice status shall be  
21 established by the board.

22 "(e)(h) A candidate for licensure as a psychological  
23 technician shall furnish the board with satisfactory evidence  
24 of all of the following:

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

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



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

7           "(4) Is competent as a psychological technician, as  
8 shown by passing examinations, written or oral, or both, as  
9 prescribed by the board.

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

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

15           "(7) He or she is a citizen of the United States or,  
16 if not a citizen of the United States, a person who is legally  
17 present in the United States with appropriate documentation  
18 from the federal government.

19           "§34-26-42.

20           "(a) If any person holds himself or herself out to  
21 the public as being engaged in practice as a psychologist or  
22 psychological technician, such as clinical, counseling,  
23 school, or combined professional-scientific psychology, and  
24 does not then possess in full force and virtue a valid license  
25 to practice as a psychologist or psychological technician  
26 under this chapter, he or she shall be deemed guilty of a  
27 Class C B misdemeanor and, upon conviction, shall be fined not

1 less than ~~one hundred dollars (\$100)~~ five hundred dollars  
2 (\$500) per occurrence nor more than ~~five hundred dollars~~  
3 ~~(\$500)~~ five thousand dollars (\$5,000) per occurrence plus  
4 court costs. Nothing in this chapter shall be construed to  
5 limit the professional pursuits of teachers in recognized  
6 public and private schools, clergymen, practitioners of  
7 medicine, social workers, and guidance counselors from full  
8 performance of their professional duties. However, in such  
9 performance any title shall be in accord with this chapter.  
10 Students of psychology, psychological interns, or other  
11 persons preparing for the profession of psychology may perform  
12 as a part of their training the functions specified in this  
13 chapter, but only under qualified supervision. Use of  
14 psychological techniques by business and industrial  
15 organizations for employment placement, evaluation, promotion,  
16 or job adjustment of their own officers or employees or by  
17 employment agencies for the evaluation of their own clients  
18 prior to recommendations for employment is also specifically  
19 allowed. However, no industrial or business firm or  
20 corporation may sell or offer to the public or to other firms  
21 or corporations for remuneration any psychological services as  
22 specified in this chapter unless the services are performed or  
23 supervised by individuals duly and appropriately licensed  
24 under this chapter.

25 "(b) When the board has evidence that any person has  
26 engaged in any act or practice constituting a violation of any  
27 provision of this chapter or any rule or order hereunder, the

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

8           "§34-26-43.

9           "There shall be paid to the board ~~chair~~ by each  
10 applicant for a permanent license to practice psychology as a  
11 psychologist or a psychological technician a fee ~~not to exceed~~  
12 ~~two hundred dollars (\$200)~~ not to exceed five hundred dollars  
13 (\$500), and by each applicant for a permanent license to  
14 ~~practice as a psychological technician a fee not to exceed one~~  
15 ~~hundred forty dollars (\$140),~~ as set by the board in its  
16 rules. No part of any fee shall be returnable under any  
17 circumstance ~~other than failure of the board to hold~~  
18 ~~examinations at the time originally announced, whereupon the~~  
19 ~~entire fee may be returned at the option of the candidate. All~~  
20 fees collected in this manner plus renewal fees as outlined in  
21 Section 34-26-22 and all gifts or grants shall be deposited in  
22 the State Treasury to the credit of the board. Vouchers in  
23 payment of expenses shall be drawn on the state Comptroller  
24 signed by the chair or executive officer of the board.

25           "§34-26-43.1.

26           "The Board of Examiners in Psychology shall charge  
27 each candidate for licensure as a psychologist or

1 psychological technician ~~an examination~~ a fee sufficient to  
2 cover the entire actual costs of the examination of the  
3 applicant, as well as the cost of criminal and civil  
4 background checks of the applicant.

5 "§34-26-44.

6 "Examination of applicants for a license to practice  
7 as a psychologist or psychological technician shall be made by  
8 the board at least once a year according to methods and in  
9 such subject fields as may be deemed by the board to be the  
10 most practical and expeditious to test the qualifications of  
11 the applicant. The board shall require the examinations to be  
12 written or oral, or both. ~~In any written examination the~~  
13 ~~applicant shall be designated by a number instead of his or~~  
14 ~~her name so that his or her identity shall not be disclosed to~~  
15 ~~the members of the board until the examination papers have~~  
16 ~~been graded. The board shall grade the written examinations~~  
17 ~~returned by the candidates and shall keep them for at least~~  
18 ~~one year.~~ A candidate shall be held to have passed the  
19 examination ~~upon the affirmative vote of three or more members~~  
20 ~~of the board~~ as defined in the rules of the board. Any  
21 unsuccessful candidate may, ~~upon written request to the board,~~  
22 ~~see his or her graded paper.~~

23 "§34-26-46.

24 "(a) The board shall suspend, place on probation, or  
25 require remediation, or any combination thereof, for any  
26 psychologist or psychological technician for a specified time,  
27 to be determined at the discretion of the board, or revoke any

1 license to practice as a psychologist or psychological  
2 technician or take any other action specified in the rules and  
3 regulations whenever the board finds by a preponderance of the  
4 evidence that the psychologist or psychological technician has  
5 engaged in any of the following acts or offenses:

6 "(1) Fraud or deception in applying for or procuring  
7 a license to practice as a psychologist or psychological  
8 technician; or in passing the examination provided for in this  
9 chapter.

10 "(2) Practice as a psychologist or psychological  
11 technician under a false or assumed name or the impersonation  
12 of another practitioner of a like or different name.

13 "(3) Immoral, unprofessional, or dishonorable  
14 conduct as defined in the rules and regulations promulgated by  
15 the board.

16 "(4) Practicing as a psychologist or psychological  
17 technician in such a manner as to endanger the welfare of  
18 clients or patients.

19 "(5) Conviction of felony (a copy of the record of  
20 conviction, certified to by the clerk of the court entering  
21 the conviction shall be conclusive evidence).

22 "(6) Conviction of any crime or offense that  
23 reflects the inability of the practitioner to practice as a  
24 psychologist or psychological technician with due regard for  
25 the health and safety of clients or patients.

26 "(7) Harassment, intimidation, or abuse, sexual or  
27 otherwise, of a client or patient.

1           "(8) Engaging in sexual intercourse or other sexual  
2 contact with a client or patient.

3           "(9) Use of repeated untruthful or deceptive or  
4 improbable statements concerning the licensee's qualifications  
5 or the effects or results of proposed treatment, including  
6 functioning outside of one's professional competence or area  
7 of specialization established by education, training, and  
8 experience as recognized by the board.

9           "(10) Gross malpractice or repeated malpractice or  
10 gross negligence in practice as a psychologist or  
11 psychological technician.

12           "(11) Aiding or abetting practice as a psychologist  
13 or psychological technician by any person not licensed by the  
14 board.

15           "(12) Conviction of fraud in filing Medicare or  
16 Medicaid claims or in filing claims to any third party payor  
17 (a copy of the record of conviction, certified to by the clerk  
18 of the court entering the conviction, shall be conclusive  
19 evidence).

20           "(13) Exercising undue influence in such a manner as  
21 to exploit the client, patient, student, or supervisee for  
22 financial or other personal advantage to the practitioner or a  
23 third party.

24           "(14) The suspension or revocation by another state  
25 of a license to practice as a psychologist or psychological  
26 technician for cause other than failure to renew the license  
27 (a certified copy of the record of suspension or revocation of

1 the state making such a suspension or revocation shall be  
2 conclusive evidence thereof).

3 "(15) Refusal to appear before the board after  
4 having been ordered to do so in writing by the executive  
5 office or chair of the board.

6 "(16) Making any fraudulent or untrue statement to  
7 the board.

8 "(17) Failing to cooperate with or to respond  
9 promptly, completely, and honestly to the board.

10 "~~(17)~~(18) Violation of the code of ethics adopted in  
11 the rules and regulations of the board.

12 "~~(18)~~(19) Upon the recommendation of the Ethics  
13 Committee of the Alabama Psychological Association, or of its  
14 successor organization, or the Ethics Committee of the  
15 American Psychological Association.

16 "~~(19)~~(20) Inability to practice as a psychologist or  
17 psychological technician with reasonable skill and safety to  
18 patients or clients by reason of illness, inebriation, misuse  
19 of drugs, narcotics, alcohol, chemicals, or any other  
20 substance, or as a result of any mental or physical condition.

21 "~~(20)~~(21) Engaging in practice as a psychologist or  
22 psychological technician before a license is issued.

23 "~~(21) Failure to engage in continuing education or~~  
24 ~~failure to pay fees for registration of continuing education~~  
25 ~~credits.~~

1           "(22) Practice of a level of psychology  
2 inappropriate or beyond the scope of the particular license  
3 held by the licensee.

4           "(23) Failure to comply with any of the respective  
5 responsibilities of a supervisor or supervisee as provided in  
6 this chapter.

7           "(b) When the issue is whether or not a psychologist  
8 or psychological technician is physically or mentally capable  
9 of practicing as a psychologist or psychological technician  
10 with reasonable skill and safety to patients or clients, then,  
11 upon a showing of probable cause to the board that the  
12 psychologist or psychological technician is not capable of  
13 practicing psychology with reasonable skill and safety to  
14 patients, the board may petition a court of competent  
15 jurisdiction to order the psychologist or psychological  
16 technician in question to submit to a psychological  
17 examination by a psychologist to determine psychological  
18 status and/or a physical examination by a physician to  
19 determine physical condition. The psychologist and/or  
20 physician is to be designated by the court. The expense of the  
21 examination shall be borne by the board. Where the  
22 psychologist or psychological technician raises the issue of  
23 mental or physical competence or appeals a decision regarding  
24 his or her mental or physical competence, the psychologist or  
25 psychological technician shall be permitted to obtain his or  
26 her own evaluation at his or her own expense. If the  
27 objectivity or adequacy of the examination is suspect, the



1 board may complete an examination by its designated  
2 practitioners at its own expense. When mental or physical  
3 capacity to practice is at issue, every psychologist or  
4 psychological technician licensed to practice in the state  
5 shall be deemed to have given consent to submit to a mental or  
6 physical examination or to any combination of such  
7 examinations and to waive all objections to the admissibility  
8 of the examination, or to previously adjudicated evidence of  
9 mental incompetence.

10 "(c) The board may assess the cost of any  
11 investigation, legal service, legal proceeding, or  
12 disciplinary action against any applicant or licensee found to  
13 be in violation of this chapter.

14 "(d) In determining the amount of any penalty, which  
15 shall not exceed one thousand dollars (\$1,000) per violation,  
16 not to exceed a total of five thousand dollars (\$5,000), the  
17 board shall consider the seriousness of the violation,  
18 including any threat to the health, safety, or welfare of the  
19 public, the unlawful gain or economic benefit gained by the  
20 violation, the person's history of previous violation, and the  
21 person's efforts to mitigate and comply with this chapter.

22 "(e) Judicial review of an order entered by the  
23 board under this section shall be conducted in accordance with  
24 the pertinent provisions for the judicial review of contested  
25 cases as provided in the Alabama Administrative Procedure Act.

26 "(f) The board shall exercise its jurisdiction for  
27 disciplinary oversight of licensees for any psychological

1 services, regardless of how or where those services are  
2 rendered, even if those services are rendered in another  
3 state, federal facility, or foreign country during the period  
4 of their licensure. The board shall not accept voluntary  
5 surrender of a license on the part of a licensee to avoid  
6 possible disciplinary actions by the board. Secure inactive  
7 status of a license shall not negate jurisdiction of the board  
8 of a licensee's actions during any period of active licensure.  
9 If a former licensee or a licensee with inactive status is  
10 found to be in violation of the relevant state law or  
11 administrative rule, a public announcement of the decision of  
12 the board shall be proffered in a manner to be determined by  
13 the board.

14           "~~(d)~~(g) The Board of Examiners in Psychology may  
15 refuse to grant a ~~certificate~~ license, or may recommend  
16 suspension of any license for a definite period not to exceed  
17 three years. The board may, upon satisfactory proof that any  
18 applicant or licentiate has been guilty of any of the above  
19 offenses, refuse to grant a ~~certificate~~ license to the  
20 applicant or may recommend revocation of a license of the  
21 licentiate upon a vote of at least four members of the board.  
22 After three years from the date of a revocation, an  
23 application for reinstatement may be made to the board, and it  
24 may, upon favorable action by four of its members, recommend  
25 reinstatement.

26           "§34-26-47.

1           "a) The board may not recommend suspension or  
2           revocation of licensure or refuse to issue or to renew any  
3           ~~certificate~~ license for any cause listed in Section 34-26-46  
4           unless the person accused has been given at least ~~20~~ 30 days'  
5           notice in writing of the charge against him or her and of a  
6           public hearing by the board. The written notice shall be  
7           mailed to the person's last known address, but the  
8           nonappearance of the person shall not prevent such a hearing.  
9           Upon such a hearing the board may administer oath and procure  
10          by its subpoenas the attendance of witness and the production  
11          of relevant books and papers.

12           "b) At least one member of the board shall be  
13          present at all times during a hearing, deliberation, and  
14          action thereon. The individual board member who assisted with  
15          the investigation of the complaint shall not vote on the  
16          disciplinary action to be taken. A hearing officer appointed  
17          by the Attorney General shall act as the hearing officer for  
18          the purpose of rulings on motions, evidence, and the like."

19           Section 2. This act shall become effective on the  
20          first day of the ninth month following its passage and  
21          approval by the Governor, or its otherwise becoming law.