

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

1 SB251

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

1 Official ReCompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. 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, are
6 amended to read as follows:

7 "§34-26-21.

8 "(a) (1) There is created ~~a State~~ the Alabama Board
9 of Examiners in Psychology to consist of eight persons who are
10 residents of this state, who shall be appointed by the
11 Governor ~~under conditions set forth in this section. At least~~
12 ~~one~~ as follows:

13 "a. One member shall be ~~chosen from and shall be~~ a
14 member of the faculty, ~~with the rank of assistant professor or~~
15 ~~above,~~ of the an accredited colleges and universities of
16 college or university in the state, ~~shall~~ with the rank of
17 assistant professor or above who is primarily engaged in
18 teaching, research, or administration of psychology ~~be~~ and is
19 a ~~licensed~~ psychologist licensed under this chapter, ~~and shall~~
20 ~~be primarily engaged in teaching, research, or administration~~
21 ~~of psychology.~~

22 "b. Five members shall be ~~licensed~~ psychologists
23 licensed under this chapter.

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

1 "d. One member shall be a member of the general
2 public.

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

10 "(3) Board members shall not serve more than two
11 consecutive terms of office. Not later than October 1 of each
12 year the executive council of the Alabama Psychological
13 Association, or of its successor organization, shall submit to
14 the Governor the names of two qualified candidates for the
15 position of the board to be vacated by reason of expiration of
16 term of office. ~~Efforts shall be made to have nominations,~~
17 ~~with due consideration,~~ Membership of the board shall reflect
18 the geographic, gender, racial, and ethnic diversity of the
19 state without regard to political affiliation. From the two
20 candidates the Governor shall appoint one member not later
21 than January 1 to serve on the board for a term of five years.
22 With the exception of the member appointed from the general
23 public, other vacancies occurring in the board shall be filled
24 for the unexpired term by appointment of the Governor from two
25 qualified candidates for each vacancy submitted within 30 days
26 after the vacancy occurs by the executive council of the

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

9 "(b) The Governor shall appoint, for a five-year
10 term of office, a member of the general public who is a
11 resident of Alabama not licensed by the board, and whose
12 spouse, if married, is not licensed by the board. Vacancies
13 for unexpired terms of the general public member shall be
14 filled by the Governor. Successor public members shall be
15 appointed by the Governor. Efforts shall be made to have
16 nominations, with due consideration, reflect the geographic,
17 gender, racial, and ethnic diversity of the state without
18 regard to political affiliation.

19 "(c) To fill the psychological technician position
20 on the board, the Executive Council of the Alabama
21 Psychological Association, or its successor organization,
22 shall select two names to be submitted to the Governor by
23 October 1 prior to the expiration of the term. On or before
24 the immediately following January 1, the Governor shall
25 appoint one of the two names submitted to serve in the

1 psychological technician position on the board for a term of
2 five years.

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

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

14 "(f) The board shall elect annually a chair and
15 vice-chair. Each member shall receive the same per diem and
16 travel allowance paid to state employees for each day's
17 attendance at an official meeting of the board. The board
18 shall hold at least one regular meeting each year. Additional
19 meetings may be held at the discretion of the chair or at the
20 written request of any two members of the board. The board
21 shall adopt a seal which shall be affixed to all licenses
22 issued by the board. The board shall from time to time adopt
23 rules and regulations necessary for the performance of its
24 duties. Four members of the board shall constitute a quorum.
25 The board may hire any assistants necessary to carry on its
26 activities within the limit of funds available to the board.

1 The board may accept grants from foundations, individuals, and
2 institutions to carry on its functions.

3 "§34-26-41.

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

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

15 "(b) A candidate for licensure as a psychologist
16 shall furnish the board with satisfactory evidence of all of
17 the following:

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

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

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

24 "(4) He or she is competent in psychology as shown
25 by passing such examinations, written or oral, or both, as the

1 board will prescribe, unless exempted pursuant to subsection
2 (e).

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

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

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

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

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

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

24 "(4) He or she is competent in psychology as shown
25 by the passing of an examination, unless exempted pursuant to
26 subsection (e), substantially equivalent to the examinations

1 prescribed in subsection (a), or by the passing of a
2 recognized national examination in psychology.

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

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

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

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

19 "(2) The applicant shall submit all of the following
20 to the board:

21 "a. An application for licensure and the
22 corresponding licensure fee.

23 "b. Verification forms from the jurisdictions of
24 licensure, verifying that licensure is current and in good
25 standing.

1 "c. A verification form from the ASPPB or from the
2 ABPP.

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

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

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

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

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

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

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

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

19 "(3) He or she has a master's degree in psychology
20 from a regionally accredited institution of higher education,
21 or has completed the equivalent of a master's degree from an
22 American Psychological Association accredited doctoral program
23 in psychology, as determined by the board. Educational
24 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

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

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

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

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

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

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

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

1 may be necessary to support the denial or when subpoenaed from
2 a court.

3 "§34-26-62.

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

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

12 "(2) Attend scheduled supervision sessions.

13 "(3) Provide the supervisor with a disclosure of
14 psychological services being offered or rendered by him or
15 her.

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

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

21 "(6) File a revised supervision contract form within
22 45 days of a change in the conditions specified in the
23 supervision contract form on file with the board.

24 "(7) Obtain a written, signed consent from each
25 patient or client that informs them of the supervisory
26 process.

1 "(b) Failure to comply with any of the duties
2 specified in subsection (a) shall constitute a Class C B
3 misdemeanor.

4 "§34-26-65.

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

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

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

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

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

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

1 "(6) The program shall be an integrated, organized
2 sequence of study in psychology as demonstrated by an
3 identifiable curriculum track or tracks wherein course
4 sequences are outlined.

5 "(7) The program shall encompass the equivalent of a
6 minimum of two academic years, at least one of which shall be
7 one academic year of full-time graduate study in student
8 residence at the institution from which the degree is granted.
9 Residence requires interaction with psychology faculty and
10 other matriculated psychology students. A one year residency
11 shall consist of 30 semester hours or 45 quarter hours taken
12 on a full-time or part-time basis at the institution.

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

17 "a. The experience shall be a planned or directed
18 program of training in psychology, in contrast to on-the-job
19 training, and shall have provided the trainee with a planned
20 and directed sequence of training integrated with the
21 educational program in which the trainee is enrolled. The
22 training shall be planned by the faculty of the program rather
23 than by the trainee.

24 "b. The training site shall have a clearly
25 designated and licensed psychologist who is responsible for
26 the integrity and quality of the training program.

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

5 "d. The training program shall have a written
6 program description detailing the functioning of the program
7 and shall be approved by the psychology program of the trainee
8 before training occurs.

9 "e. The training site staff shall provide a minimum
10 of one hour per five hours of client contact of face-to-face,
11 primarily individual, regularly scheduled supervision,
12 overseeing the training experience.

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

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

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

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

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

8 "b. An applicant whose credentials have been
9 approved by the board for examination at the licensed
10 psychologist level may be issued a license as a psychological
11 technician if the applicant fails an examination at the
12 licensed psychologist level but passes the examination at the
13 licensed psychological technician level. To receive this
14 license, the applicant shall file all required application
15 materials with the board for licensure at the psychological
16 technician level.

17 "§34-26-66.

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

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

25 Section 3. Although this bill would have as its
26 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official ReCompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

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

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Senate

Read for the first time and referred to the Senate
committee on Health and Human Services..... 17-MAR-15

Read for the second time and placed on the calen-
dar 1 amendment..... 09-APR-15

Read for the third time and passed as amended 05-MAY-15

Yeas 28
Nays 0

Patrick Harris
Secretary