

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1200

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AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 25-33-1-2, AS AMENDED BY P.L.2-2007, SECTION 344, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) As used in this article:

"Appraisal instrument" means:

- (1) a career and occupational instrument;
- (2) an adaptive behavioral and symptom screening checklist; or
- (3) an inventory of interests and preferences;

that is administered for the purpose of counseling individuals to cope with or adapt to changing life situations or to situations that are due to problems in living. The term includes marital, relational, communicational, parent and child, family system assessment instruments, and employment counseling.

"Board" means the state psychology board.

"Person" means an individual, firm, partnership, association, or corporation.

"Practice of psychology" includes the following:

- (1) Construction, administration, and interpretation of tests of intellectual and cognitive abilities, aptitudes, skills, interests, attitudes, personality characteristics, perception, emotion, motivation, and opinion.
- (2) Diagnosis and treatment of mental and behavioral disorders by

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a health service provider in psychology.

(3) Educational and vocational planning and guidance.

(4) Personnel selection and management.

(5) Arrangement of effective work and learning situations.

(6) Resolution of interpersonal and social conflicts.

(7) Techniques used in interviewing, counseling, psychotherapy, and behavior modification of individuals or groups.

(8) Supervision of psychological services.

(9) Teaching of any of the practices listed in this subsection.

(10) The planning and conduct of research on human behavior.

"Psychological services" means acts or behaviors coming within the purview of the practice of psychology (as defined in this article).

**"Psychologist" means a person who is licensed under this chapter to engage in the practice of psychology.**

"Recognized postsecondary educational institution" means any college, university, school, or similar educational establishment approved by the board for the purposes of this article.

"Agency" means the Indiana professional licensing agency under IC 25-1-5.

"Approved organization" means any organization or individual approved by the board.

"Continuing education course" means an orderly process of instruction that is designed to directly enhance the practicing psychologist's knowledge and skill in providing relevant psychological services, and that is approved by an approved organization.

(b) Nothing in this article shall be construed as permitting individuals licensed as psychologists to engage in any manner in the practice of medicine or optometry (as defined in the laws of this state).

(c) Nothing in this article shall be construed as permitting a psychologist to prescribe medication, unless a psychologist is participating in a federal government sponsored training or treatment program. An individual licensed as a psychologist may not prescribe medication unless the individual is a practitioner (as defined under IC 16-42-19-5).

SECTION 2. IC 25-33-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

### **Chapter 3. Telepsychology**

**Sec. 1. Nothing in this chapter authorizes a psychologist to engage in the practice of psychology with a person who is domiciled in a jurisdiction other than Indiana.**

**Sec. 2. The definitions in IC 25-33-1-2 apply to this chapter.**



**Sec. 3.** As used in this chapter, "telepsychology" means the practice of psychology using electronic communications and information technology, including the following means:

- (1) Videoconferencing.**
- (2) Telephone.**
- (3) Internet based communications.**

**Sec. 4.** Subject to section 5 of this chapter, a psychologist may use telepsychology to treat an individual.

**Sec. 5.** Before using telepsychology, the psychologist must do the following:

- (1) Establish and maintain competency in the use of telepsychology, including through continuing education, consultation, or other procedures, in conformance with prevailing standards of scientific and professional knowledge.**
- (2) Establish and maintain competency in the appropriate use of the information technologies used in the practice of telepsychology.**
- (3) Assess if the client's primary problem and apparent condition are consistent with the use of telepsychology to the client's benefit.**
- (4) Determine if the client has sufficient knowledge and skills to use the technology involved in telepsychology or if the client can use a personal aid or assistive device to benefit from the service.**
- (5) Refrain from providing telepsychology services to any client when the outcome of the psychological analysis is inconsistent with the delivery of telepsychology services, including clinical or technological issues.**
- (6) At each contact with the client, make reasonable efforts to verify the identity of the client.**
- (7) Establish an alternative means of contacting the client.**
- (8) Provide the client with an alternative means of contacting the psychologist.**
- (9) Establish a written agreement concerning the client's access to face-to-face emergency services in the client's geographical area, including instances where the client is experiencing a suicidal or homicidal crisis.**
- (10) When feasible, use secure communications with clients, which may include encrypted text messages via electronic mail or secure Internet web sites.**
- (11) Obtain and document consent for the use of nonsecure communications.**



**(12) Obtain the written informed consent of the client, in language that is likely to be understood and is consistent with accepted professional and legal requirements, concerning the following:**

**(A) The limitations and innovative nature of using telepsychology in providing psychological services.**

**(B) Potential risks to confidentiality of information due to the use of telepsychology.**

**(C) Potential risks of sudden and unpredictable disruption of telepsychology services and how an alternative means of reestablishing an electronic or other connection will be used under those circumstances.**

**(D) How and when the psychologist will respond to routine electronic messages.**

**(E) Under what circumstances the psychologist and client will use an alternative means of communication under emergency circumstances.**

**(F) Who else may have access to communications between the client and the psychologist.**

**(G) Specific methods for ensuring that a client's electronic communications are directed only to the psychologist.**

**Sec. 6. The psychologist who uses telepsychology shall ensure that confidential communications stored electronically cannot be recovered or accessed by unauthorized persons when the psychologist disposes of electronic equipment and data.**

**Sec. 7. The board may adopt rules under IC 4-22-2 to administer this chapter.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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