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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS – PSYCHOLOGISTS

Introduced By: Senators Gallo, Doyle, and DiPalma

Date Introduced: March 10, 2011

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 544-1, 544-13, 544-19 and 544-23 of the General Laws in  
2 Chapter 5-44 entitled "Psychologists" are hereby amended to read as follows:

3 **5-44-1. Definitions.** -- As used in this chapter:

4 (1) "Academic psychologist" means a person employed by or associated with a  
5 recognized college or university or other recognized institution who is engaged in teaching,  
6 studying, or conducting research in the science of psychology.

7 (2) "Board" means the board of psychology established by section 5-44-3.

8 (3) "Education" means the academic program pursued by a person in obtaining a  
9 doctoral degree, that program to include formal course work, seminars, and practica.

10 (4) "Licensed psychologist" means a person who has been licensed for the practice of  
11 psychology under this chapter. "Psychologist" as used in this chapter means a licensed  
12 psychologist as defined in this section.

13 (5) "Practice of psychology" means the rendering of professional psychological services  
14 to individuals, groups, families, or any public or private organization for remuneration.  
15 Professional psychological services means applying established psychological principles,  
16 methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive or  
17 undesired behavior and of enhancing interpersonal relationships, work and life adjustment,  
18 personal effectiveness, and mental health. The practice of psychology includes, but is not limited  
19 to:

1 (i) Diagnoses and treatment of emotional, mental or behavioral dysfunction, disorder or  
2 disability, alcoholism and substance abuse disorders of habit or conduct, as well as of the  
3 psychological aspects of physical illness, accident, injury, or disability;

4 (ii) Psychological testing and evaluation of intelligence, personality, abilities, interests,  
5 aptitudes, and neuropsychological functioning;

6 (iii) Psychoeducation evaluation, therapy, remediation and consultation; and

7 (iv) Counseling, psychotherapy, psychoanalysis, hypnotherapy, biofeedback and  
8 behavior analysis and therapy.

9 (6) "Psychology student", "psychology trainee", ~~or~~ "psychology intern", or "psychology  
10 resident" means a student, intern, or other person studying or preparing for the profession of  
11 psychologist under the supervision of recognized educational or training institutions or facilities.

12 (7) "Training" means the pre-professional or professional supervised experience received  
13 by the person at the pre or post-doctoral level, that experience to have been obtained in an  
14 internship, clinic, or other similar professional setting.

15 (8) "Department" means the Rhode Island department of health.

16 (9) "Director" means the director of the Rhode Island department of health.

17 **5-44-13. Temporary license.** -- (a) Pursuant to sections 5-44-6 and 5-44-23(e) of this  
18 chapter and rules and regulations promulgated hereunder, a temporary permit to practice  
19 psychology under supervision may be granted to a candidate for licensure who has paid the  
20 required fee of ninety dollars (\$90.00) and has satisfied the following requirements:

21 (1) Filed an application for licensure with all required supporting materials;

22 (2) Has received a doctoral degree in accordance with section 5-44-10, and successfully  
23 ~~completed a national examination approved by the board~~ completed one thousand five hundred  
24 (1,500) hours of supervision satisfactory to the board as specified in the rules and regulations;

25 (3) Shall only practice under the appropriate supervision of a licensed psychologist as  
26 delineated in the rules and regulations promulgated hereunder;

27 (4) Shall refrain from using the title "psychologist" or representing himself or herself as  
28 a psychologist other than by using the title "psychology student", "psychology trainee", ~~or~~  
29 "psychology intern", or "psychology resident" ; and

30 (5) The temporary permit shall be valid for a period of two (2) years from the date of  
31 issuance.

32 (b) Temporary permit holders may request from the board a one year extension. Such an  
33 extension may be granted at the discretion of the board upon review of the applicant's  
34 circumstances. This extension shall only be granted once.

1           **5-44-19. Procedure for discipline.** -- (a) When a sworn complaint is filed with the board  
2 charging a person with being guilty of any of the actions specified in section 544-18, the  
3 department shall immediately investigate those charges, or, the board, after investigation, may  
4 institute charges.

5           (b) (1) If the investigation reveals reasonable grounds for believing that the applicant or  
6 psychologist is guilty of the charges, the board shall fix a time and place for a hearing, and shall  
7 serve a copy of the charges, together with a notice of the time and the place fixed for the hearing,  
8 personally upon the accused at least twenty (20) days prior to the time fixed for the hearing.

9           (2) The board may investigate and render a decision on any disciplinary complaint  
10 against anyone practicing psychology (regardless of whether he or she was licensed at the time of  
11 the alleged complaint) or that their license has subsequently been surrendered, revoked or not  
12 renewed.

13           (3) The board at its discretion may dismiss or suspend a complaint without a finding as  
14 delineated in the rules and regulations so that a person who is the subject of the complaint may  
15 participate in colleague assistance program acceptable to the board. The board may suspend a  
16 complaint contingent upon the person complying with directions issued by the board. The board  
17 may reinstate any suspended complaint at anytime it deems that the person is not in compliance  
18 with the directions of the board.

19           ~~(2)~~(4) When personal service cannot be effected and that fact is certified by oath by any  
20 person authorized to make service, the board shall publish once in each of two (2) successive  
21 weeks, a notice of the hearing in a newspaper published in the county where the accused last  
22 resided according to the records of the board and shall mail a copy of the charges and of the  
23 notice to the accused at his or her last known address.

24           ~~(3)~~(5) When publication of notice is necessary, the date of the hearing shall not be less  
25 than twenty (20) days after the last date of publication of the notice.

26           (c) (1) At the hearing, the accused has the right to appear personally or by counsel or  
27 both, to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to  
28 have subpoenas issued by the administrator of professional regulation.

29           (2) The attendance of witnesses and the production of books, documents, and papers at  
30 the hearing may be compelled by subpoenas issued by the department, which shall be served in  
31 accordance with law.

32           (3) The department shall administer oaths as necessary for the proper conduct of the  
33 hearing.

34           (4) The board is not bound by the strict rules of procedure or by the laws of evidence in

1 the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence  
2 to sustain it.

3 (d) If the accused is found guilty of the charges, the board may refuse to issue a  
4 registration to the applicant, or may revoke or suspend his or her license, or discipline that person.

5 (e) Upon the revocation or suspension of any license, the license holder shall surrender  
6 the license to the department who shall indicate same in the licensure verification database.

7 (f) A revocation or suspension of license may be reviewed at the discretion of the board,  
8 or at the initiative of the department who may order a rehearing of the issue if he or she finds  
9 cause.

10 **5-44-23. Persons and practices exempt.** -- (a) No provisions of this chapter shall be  
11 construed to prevent members of other recognized professions that are licensed, certified, or  
12 regulated for independent practice of that profession under the laws of this state from rendering  
13 services consistent with their professional training and code of ethics; provided, that they do not  
14 represent themselves to be psychologists. Recognized members of the clergy shall not be  
15 restricted from functioning in their ministerial capacity; provided, that they do not represent  
16 themselves to be psychologists.

17 (b) Nothing in this chapter shall be construed to prohibit teachers, guidance personnel,  
18 social workers, and school psychologists in public or private school, from full performance of  
19 their duties; nor to prohibit the use of psychological techniques by business or industrial  
20 organizations or companies for employment, placement, evaluation, promotion, or job adjustment  
21 of their own officers or employees.

22 (c) Nothing in this section shall be construed as prohibiting the use of consultants who  
23 are defined as qualified mental retardation professionals under the Code of Federal Regulations  
24 (CFR) 42, section 483.430, by facilities licensed as intermediate care facilities for people who are  
25 mentally retarded by the department of mental health, retardation and hospitals.

26 (d) Nothing in this chapter shall be construed as permitting the licensed psychologist to  
27 practice medicine as defined by the laws of this state.

28 (e) Nothing in this section shall be construed as permitting those persons identified in  
29 subsections (b) and (f) of this section to offer their services to any persons or organizations other  
30 than those listed in subsection (f) of this section as consultants or to accept remuneration for any  
31 psychological services other than that of their institutional salaries or fees unless they have been  
32 licensed under this chapter or exempted under subsection (a) of this section.

33 (f) Nothing in this chapter limits the professional pursuits of any non-licensed  
34 psychologists, psychology students, psychology trainees, [psychology residents](#), or persons

1 rendering psychological services as an employee of a licensed hospital, accredited educational  
2 institution, authorized community mental health clinic or center, government or medical agency,  
3 while functioning under the title conferred upon him or her by the administration of any hospital,  
4 educational institution or agency.

5 (g) Those organizations listed in subsection (f) of this section include all facilities,  
6 agencies, or institutions regulated and/or licensed by the department of health, the department of  
7 elementary and secondary education, the department of children, youth and families and the  
8 department of mental health, retardation and hospitals.

9 (h) A psychologist licensed or certified in another state, or United States territory may  
10 perform psychological services in the state of Rhode Island without obtaining a license for up to  
11 ten (10) calendar days per calendar year with no more than five (5) days of this activity occurring  
12 consecutively. The calendar day limit shall not apply to service as an expert witness in a legal  
13 proceeding.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS – PSYCHOLOGISTS

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- 1 This act would make changes regarding the licensing and discipline of psychologists.
- 2 This act would take effect upon passage.

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