

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1047

Short Title: Amend Psychology Practice Act.

(Public)

Sponsors: Senators Lucas, Carpenter, Kinnaird, Martin of Guilford, and Perdue.

Referred to: Children & Human Resources.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PSYCHOLOGY PRACTICE ACT AND RELATED
STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-270.2(9) reads as rewritten:

"(9) Psychologist. – A person represents himself or herself to be a psychologist if that person uses any title or description of services incorporating the words 'psychology', 'psychological', 'psychologic', or 'psychologist', states that he or she possesses expert qualification in any area of psychology, or provides or offers to provide services defined as the practice of psychology in this Article. All persons licensed under this Article ~~may present themselves as psychologists, as may those persons who are exempt by G.S. 90-270.4 and those who are qualified applicants under G.S. 90-270.5.~~ Article, persons exempt under G.S. 90-270.4, and qualified applicants under G.S. 90-270.5, may present themselves as psychologists and shall indicate, in accordance with Board rules, their academic degrees."

Section 2. G.S. 90-270.5(d) reads as rewritten:

"(d) For permanent licensure as a licensed psychologist, an otherwise qualified psychologist must secure ~~two years of acceptable and appropriate supervised experience~~

1 experience, as provided in this subsection, that is germane to his or her training and
2 intended area of practice as a psychologist. The Board shall permit such supervised
3 experience to be acquired on a less than full-time basis, and shall additionally specify in
4 its rules the format, setting, content, time frame, amounts of supervision, qualifications of
5 supervisors, disclosure of supervisory relationships, the organization of the supervised
6 experience, and the nature of the responsibility assumed by the supervisor. Rules
7 governing supervision may distinguish between doctoral and nondoctoral candidates.
8 Supervision of health services must be received from qualified licensed psychologists
9 holding health services provider certificates, or from other psychologists recognized by
10 the Board in accordance with Board rules.

11 (1) ~~One of these years of experience shall be postdoctoral, and for this year,~~
12 ~~the Board may require, as specified in its rules, that the supervised~~
13 ~~experience be comparable to the knowledge and skills acquired during~~
14 ~~formal doctoral or postdoctoral education, in accordance with~~
15 ~~established professional standards.~~

16 (2) ~~One of these years may be predoctoral and the Board shall establish~~
17 ~~rules governing appropriate supervised predoctoral experience.~~

18 (2a) For a psychologist holding a doctoral degree under G.S. 90-270.11(a),
19 two years of supervised experience is required. One year shall be
20 postdoctoral and, if required by the Board, shall be comparable to the
21 knowledge and skills acquired during formal doctoral or postdoctoral
22 education, in accordance with established professional standards. The
23 other year may be predoctoral experience as required by the Board.

24 (2b) For a psychologist holding a masters or specialist degree under G.S. 90-
25 270.11(a), four years of supervised experience is required, all of which
26 must be acquired following completion of the masters or specialist
27 degree. The Board shall not credit a graduate internship as experience.

28 (3) A psychologist who meets all other requirements of G.S. 90-270.11(a)
29 as a licensed psychologist, except the ~~two required~~ years of supervised
30 experience, may be issued a provisional license by the Board for the
31 practice of psychology. If the psychologist terminates the supervised
32 experience before the completion of ~~two years, the required years,~~ the
33 Board may place the psychologist on inactive status, during which time
34 supervision will not be required, and the practice of psychology or the
35 offer to practice psychology is prohibited. In the event a licensed
36 psychologist issued a provisional license under this subsection is placed
37 on inactive status or is completing the supervised experience on a part-
38 time basis, the Board may renew the provisional license as necessary
39 until such time as the psychologist has completed the equivalent of ~~two~~
40 ~~years'~~ the required years supervised experience."

41 Section 3. G.S. 90-270.5(e) reads as rewritten:

42 "(e) A licensed psychological associate shall be supervised by a qualified licensed
43 psychologist, or other qualified professionals, psychologist with a doctoral degree, a licensed

1 psychologist with a masters or specialist degree who has been approved by the Board, or
2 a qualified professional approved by the Board, in accordance with Board rules
3 specifying the format, setting, content, time frame, amounts of supervision, qualifications
4 of supervisors, disclosure of supervisory relationships, the organization of the supervised
5 experience, and the nature of the responsibility assumed by the supervisor. A licensed
6 psychological associate who provides health services shall be supervised, for those
7 activities requiring supervision, by a qualified licensed psychologist holding health
8 services provider certification or by other qualified professionals under the overall
9 direction of a qualified licensed psychologist holding health services provider
10 certification, in accordance with ~~Board~~ this section and the Board's rules. Except as
11 provided below, supervision, including the supervision of health services, is required only
12 when a licensed psychological associate engages in: assessment of personality
13 functioning; neuropsychological evaluation; psychotherapy, counseling, and other
14 interventions with clinical populations for the purpose of preventing or eliminating
15 symptomatic, maladaptive, or undesired behavior; and, the use of intrusive, punitive, or
16 experimental procedures, techniques, or measures. The Board shall adopt rules
17 implementing and defining this provision, and as the practice of psychology evolves, may
18 identify additional activities requiring supervision in order to maintain acceptable
19 standards of practice."

20 Section 4. G.S. 90-270.6 reads as rewritten:

21 **"§ 90-270.6. Psychology Board; appointment; term of office; composition.**

22 For the purpose of carrying out the provisions of this Article, there is created a North
23 Carolina Psychology Board, which shall consist of ~~seven~~nine members appointed by the
24 Governor. At all times three members shall be licensed ~~psychologists, psychologists with~~
25 ~~doctorate degrees in psychology, two~~three members shall be licensed ~~psychological~~
26 ~~associates, licensed psychologists holding masters or specialist degrees, at least one of~~
27 ~~whom shall be a licensed psychologist and at least one of whom shall be a licensed~~
28 ~~psychological associate, and two~~three members shall be members of the public who are
29 not licensed under this Article. Each member of the Board must reside in a different
30 congressional district at the time of the appointment. Due consideration shall also be
31 given to the adequate representation of the various fields and areas of practice of
32 psychology. Terms of office shall be three years. All terms of service on the Board
33 expire June 30 in appropriate years. ~~As the term of a psychologist member expires, or as a~~
34 ~~vacancy of a psychologist member occurs for any other reason, the North Carolina Psychological~~
35 ~~Association, or its successor, shall, having sought the advice of the chairs of the graduate~~
36 ~~departments of psychology in the State, for each vacancy, submit to the Governor a list of the~~
37 ~~names of three eligible persons.~~The North Carolina Psychological Association and the
38 North Carolina Association of Professional Psychologists shall each, after consulting the
39 chairs of the graduate psychology departments in the State, submit to the Governor a list
40 of the names of three eligible persons to fill each vacancy occurring on the Board. From
41 this list these lists, the Governor shall make the appointment for a full term, or for the
42 remainder of the unexpired term, if any. Each Board member shall serve until his or her
43 successor has been appointed. As the term of a member expires, or if one should become

1 vacant for any reason, the Governor shall appoint a new member within 60 days of the
2 vacancy's occurring. No member, either public or licensed under this Article, shall serve
3 more than three complete consecutive terms."

4 Section 5. G.S. 90-270.11 reads as rewritten:

5 **"§ 90-270.11. Licensure; examination; foreign graduates.**

6 (a) Licensed Psychologist. – The Board shall issue a permanent license to practice
7 psychology to any applicant who pays an application fee and any applicable examination
8 fee as specified in G.S. 90-270.18(b), who passes an examination in psychology as
9 prescribed by the Board, and who submits evidence verified by oath and satisfactory to
10 the Board that he or she:

11 (1) Is at least 18 years of ~~age;~~ age.

12 (2) Is of good moral ~~character;~~ character.

13 (3) Has received a doctoral ~~degree~~ degree, masters degree, or specialist
14 degree based on a planned and directed program of studies in
15 psychology from an institution of higher education. The degree
16 program, wherever administratively housed, must be publicly identified
17 and clearly labeled as a psychology program. The Board shall adopt
18 rules implementing and defining these provisions, including, but not
19 limited to, such factors as residence in the educational program,
20 internship and related field experiences, number of course credits,
21 course content, numbers and qualifications of faculty, and program
22 identification and identity.

23 (3a) If applying for licensure based on a masters or specialist degree, has
24 passed the national examination in psychology at the licensed
25 psychologist level.

26 (4) Has ~~had at least two~~ completed the required years of acceptable and
27 appropriate supervised experience germane to his or her training and
28 intended area of practice as a psychologist as specified in G.S. 90-
29 270.5(d).

30 (a1) Notwithstanding the provisions of this subsection, the Board shall implement a
31 transition provision whereby any licensed psychological associate in good standing may
32 apply for a license to practice psychology as a licensed psychologist (M.A., M.S., or
33 Ed.S.) if an application is made to the Board no later than June 30, 1998. The Board shall
34 define criteria, including combinations of graduate coursework and years of experience,
35 that shall be satisfactory to meet the requirements of licensure as a licensed psychologist.
36 The criteria shall not include a requirement that the applicant take the national
37 psychological examination.

38 (b) Licensed Psychological Associate. –

39 (1) The Board shall issue a permanent license to practice psychology to any
40 applicant who pays an application fee and any applicable examination
41 fee as specified in G.S. 90-270.18(b), who passes an examination in
42 psychology as prescribed by the Board, and who submits evidence
43 verified by oath and satisfactory to the Board that he or she:

- 1 a. Is at least 18 years of ~~age~~, age.
2 b. Is of good moral ~~character~~, character.
3 c. Has received a master's degree in psychology or a specialist
4 degree in psychology from an institution of higher education.
5 The degree program, wherever administratively housed, must be
6 publicly identified and clearly labeled as a psychology program.
7 The Board shall adopt rules implementing and defining these
8 provisions, including, but not limited to, such factors as residence
9 in the program, internship and related field experiences, number
10 of course credits, course content, numbers and qualifications of
11 faculty, and program identification and identity.

- 12 (2) Notwithstanding the provisions of this subsection, a licensed
13 psychologist applicant with a doctoral degree who has met all
14 requirements for licensure except passing the examination at the
15 licensed psychologist level, may be issued a license as a licensed
16 psychological associate without having a master's degree or specialist
17 degree in psychology if the applicant passes the examination at the
18 licensed psychological associate level.

19 (c) Foreign Graduates. – Applicants trained in institutions outside the United
20 States, applying for licensure at either the licensed psychologist or licensed psychological
21 associate level, must show satisfactory evidence of training and degrees substantially
22 equivalent to those required of applicants trained within the United States, pursuant to
23 Board rules and regulations.

24 (d) Prior Licensure. – A person who is licensed in good standing as a licensed
25 practicing psychologist or psychological associate under the provisions of the Practicing
26 Psychologist Licensing Act in effect immediately prior to the ratification of this
27 Psychology Practice Act shall be deemed, as of October 1, 1993 to have met all
28 requirements for licensure under this act and shall be eligible for renewal of licensure in
29 accordance with the provisions of this act. A person who is licensed as a psychological
30 associate in good standing shall be issued a license as a licensed psychologist if the
31 person applies for such license no later than January 1, 1999, and the person has met the
32 criteria for licensure established by the Board. The criteria shall provide for appropriate
33 levels of graduate coursework and experience."

34 Section 6. G.S. 90-270.18(b) reads as rewritten:

35 "(b) Fees for activities specified by this Article are as follows:

- 36 (1) Application fees for licensed ~~psychologists and licensed psychologists,~~
37 licensed psychologists (M.A., M.S., or Ed.S.) and licensed
38 psychological associates per G.S. 90-270.11(a) and (b)(1), or G.S. 90-
39 270.13, shall not exceed one hundred dollars (\$100.00).
40 (1a) File review fee for licensed psychological associates applying for a
41 license to practice as a licensed psychologist (M.A., M.S., or Ed.S.) per
42 G.S. 90-270.11(a1), shall not exceed one hundred dollars (\$100.00).

- 1 (2) Fees for the national written examination shall be the cost of the
2 examination to the Board plus an additional fee not to exceed fifty
3 dollars (\$50.00).
- 4 (3) Fees for additional examinations shall be as prescribed by the Board.
- 5 (4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not
6 exceed two hundred fifty dollars (\$250.00) per biennium. This fee may
7 not be prorated.
- 8 (5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be twenty-
9 five dollars (\$25.00).
- 10 (6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall not
11 exceed one hundred dollars (\$100.00).
- 12 (7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be twenty-five
13 dollars (\$25.00).
- 14 (8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g), shall
15 be twenty-five dollars (\$25.00).
- 16 (9) Application fees for a health services provider certificate, per G.S. 90-
17 270.20, shall be fifty dollars (\$50.00)."

18 Section 7. G.S. 90-270.20 reads as rewritten:

19 "**§ 90-270.20. Provision of health services; certification as health services provider.**

20 (a) Health services, as defined in G.S. 90-270.2(4) and G.S. 90-270.2(8), may be
21 provided by qualified licensed psychological associates, qualified licensed psychologists
22 holding provisional, temporary, or permanent licenses, or qualified applicants. Qualified
23 licensed psychological associates, qualified licensed psychologists holding provisional or
24 temporary licenses, or qualified applicants may provide health services only under
25 supervision as specified in the duly adopted rules of the Board.

26 (b) ~~After January 1, 1995, any~~ Any licensed psychologist who is qualified by
27 education, who holds permanent ~~licensure and a doctoral degree,~~ licensure, and who
28 provides or offers to provide health services to the public must be certified as a health
29 services provider psychologist (HSP-P) by the Board. The Board shall certify as health
30 services provider psychologists those applicants who ~~shall demonstrate at least two years~~
31 ~~of acceptable supervised health services experience, of which at least one year is~~
32 ~~postdoctoral experience as a psychologist with a doctoral degree, at least one year of~~
33 which is postdoctoral, or at least four years of acceptable supervised health services
34 experience as a psychologist with a masters or specialist degree. The Board shall specify
35 the format, setting, content, and organization of the supervised health services experience
36 or program. The Board may, upon verification of supervised experience and the meeting
37 of all requirements as a licensed psychologist, issue the license and certificate
38 simultaneously. An application fee, as specified in G.S. 90-270.18(b)(9), must be paid.

39 (c) ~~After January 1, 1995, any~~ Any licensed psychological associate who is qualified
40 by education may be granted certification as a health services provider psychological
41 associate (HSP-PA). The Board may, upon verification of qualifications and the meeting
42 of all requirements as a licensed psychological associate, issue the license and certificate
43 simultaneously. An application fee, as specified in G.S. 90-270.18(b)(9), must be paid.

1 (d) ~~After January 1, 1995, any~~ Any licensed psychologist holding a provisional
2 license who is qualified by education may be granted certification as a health services
3 provider psychologist (provisional) (HSP-PP) by the Board. The Board may, upon
4 verification of qualifications and the meeting of all requirements for a provisional license,
5 issue the license and certificate simultaneously. An application fee, as specified in G.S.
6 90-270.18(b)(9), must be paid.

7 (e) ~~Notwithstanding the provisions of subsection (b) of this section, if application~~
8 ~~is made to the Board before June 30, 1994, by a licensed psychologist who is listed in the~~
9 ~~National Register of Health Services Providers in Psychology, or who holds permanent~~
10 ~~licensure and who can demonstrate that he or she has been engaged acceptably in the~~
11 ~~provision of health services for two years or its equivalent, that licensed psychologist~~
12 ~~shall be certified as a health services provider psychologist. The applicant, in order to~~
13 ~~demonstrate two years of acceptable experience or its equivalent, must meet one of the~~
14 ~~following conditions:~~

15 (1) ~~The applicant is a diplomate in good standing of the American Board of~~
16 ~~Professional Psychology in any of the areas of professional practice~~
17 ~~deemed appropriate by the Board;~~

18 (2) ~~The applicant has the equivalent of two years of acceptable full-time~~
19 ~~experience, one of which was postdoctoral, at sites where health~~
20 ~~services are provided;~~

21 (3) ~~The applicant submits evidence satisfactory to the Board demonstrating~~
22 ~~that he or she has been engaged acceptably for the equivalent of at least~~
23 ~~two years full-time in the provision of health services; or~~

24 (4) ~~Any other conditions that the Board may deem acceptable.~~

25 (f) ~~Notwithstanding the provisions of subsection (e) of this section, if application~~
26 ~~is made to the Board before June 30, 1994, by a licensed psychological associate who can~~
27 ~~demonstrate that he or she has been engaged acceptably in the provision of health~~
28 ~~services under supervision for two years or its equivalent, that licensed psychological~~
29 ~~associate shall be certified as a health services provider psychological associate.~~

30 (g) The Board shall have the authority to deny, revoke, or suspend the health
31 services provider certificate issued pursuant to these subsections upon a finding that the
32 psychologist has not behaved in conformity with the ethical and professional standards
33 prescribed in G.S. 90-270.15."

34 Section 8. G.S. 135-40.7A(c) reads as rewritten:

35 "(c) Notwithstanding any other provision of this Part, provisions for benefits for
36 necessary care and treatment of chemical dependency under this Part shall provide for
37 benefit payments for the following providers of necessary care and treatment of chemical
38 dependency:

39 (1) The following units of a general hospital licensed under Article 5 of
40 ~~General Statutes Chapter 131E: Chapter 131E of the General Statutes:~~

41 a. ~~Chemical dependency units in facilities licensed after October 1,~~
42 ~~1984; October 1, 1984.~~

43 b. ~~Medical units; units.~~

- 1 c. Psychiatric ~~units; and units.~~
2 (2) The following facilities licensed after July 1, 1984, under Article 2 of
3 ~~General Statutes Chapter 122C; Chapter 122C of the General Statutes:~~
4 a. Chemical dependency units in psychiatric ~~hospitals; hospitals.~~
5 b. Chemical dependency ~~hospitals; hospitals.~~
6 c. Residential chemical dependency treatment ~~facilities; facilities.~~
7 d. Social setting detoxification facilities or ~~programs; programs.~~
8 e. Medical detoxification facilities or ~~programs; and programs.~~
9 (3) Duly licensed physicians and duly licensed ~~practicing~~ psychologists,
10 licensed psychological associates, certified clinical social workers,
11 licensed professional counselors, certified fee-based practicing pastoral
12 counselors, certified clinical specialists in psychiatric and mental health
13 nursing, and certified professionals working under the direct supervision
14 of such physicians or psychologists in facilities described in
15 subdivisions (1) and (2) above of this subsection and in day/night
16 programs or outpatient treatment facilities licensed after July 1, 1984,
17 under Article 2 of ~~General Statutes Chapter 122C; Chapter 122C of the~~
18 General Statutes.

19 ~~Provided, however, that nothing~~ Nothing in this subsection shall prohibit the Plan from
20 requiring the most cost effective treatment setting to be utilized by the person undergoing
21 necessary care and treatment for chemical dependency."

22 Section 9. G.S. 135-40.7B(c) reads as rewritten:

23 "(c) Notwithstanding any other provisions of this Part, the following providers are
24 authorized to provide necessary care and treatment for mental illness under this section:

- 25 (1) Licensed ~~psychiatrists; psychiatrists.~~
26 (2) Licensed ~~or certified doctors of psychology; psychologists.~~
27 (2a) Licensed psychological associates.
28 (3) Certified clinical social ~~workers; workers.~~
29 (3a) Licensed professional ~~counselors; counselors.~~
30 (4) Psychiatric ~~nurses; nurses.~~
31 (5) Other social workers under the direct employment and supervision of a
32 licensed psychiatrist or licensed ~~doctor of psychology; psychologist.~~
33 ~~(6) Psychological associates with a master's degree in psychology under the~~
34 ~~direct employment and supervision of a licensed psychiatrist or licensed~~
35 ~~or certified doctor of psychology;~~
36 (7) Licensed psychiatric hospitals and licensed general hospitals providing
37 psychiatric treatment ~~programs; programs.~~
38 (8) Certified residential treatment facilities, community mental health
39 centers, and partial hospitalization ~~facilities; and facilities.~~
40 (9) Certified fee-based practicing pastoral counselors."

41 Section 10. The initial terms of new members added by Section 4 of this act
42 shall commence upon appointment and shall expire June 30, 2000. A member serving on
43 the Board as of the effective date of this act may complete that term of service.

1 Section 11. This act becomes effective October 1, 1997.