A. DECLARATION OF POLICY

The practice of psychology in (name of jurisdiction) is hereby declared to affect public interest, health, safety, and welfare, and to be subject to regulation to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

B. PRACTICE WITHOUT A LICENSE

Any persons, whether acting as an individual, firm, partnership corporation, agency, or other entity, who shall represent himself or herself as a psychologist in violation of the Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a Class ______ misdemeanor and shall be subject to a fine not to exceed $_________ dollars, and, in addition thereto, may be imprisoned not more than ________ months. Any person filing or attempting to file, as his or her own, a diploma or license of another or a forged affidavit shall be subject to the punishment prescribed for forgery in the _______ degree.

C. DEFINITIONS

1. Board

Board means the ________________________________________________ (name of Board or Committee).

2. Client/Patient

Client (or patient) means a recipient of psychological services within the context of a professional relationship. In the case of individuals with legal guardians (including minors and legally incompetent adults), the legal guardian shall also be considered a client for decision making purposes.

3. Code of Conduct

Code of conduct means that set of regulatory rules of professional conduct, such as the Code of Conduct (1995) recommended by the Northamerican Association of Masters in Psychology (NAMP), which has been adopted by the board by statute or rule to protect the public interest by providing rules that govern a professional’s behavior within and beyond the professional relationship.
4. **Institution of Higher Education**

Institution for higher education means a university, professional school, or other institution of higher learning that

a) in the United States, is regionally accredited by bodies formerly approved by the Council on Postsecondary Accreditation and the United States Office of Education or its successors; or

b) in Canada, holds a membership in Association of Universities and Colleges of Canada, or its successors; or

c) in other countries, is accredited by the respective official organization having such authority.

5. **Licensed**

Licensed means the authority to engaged in the autonomous practice of psychology. The terms certified, registered, chartered, or any other term chosen by a jurisdiction used in the same capacity as licensed are considered equivalent terms.

6. **Practice of Psychology**

Practice of psychology is defined as the observation, description, evaluation, interpretation, and/or modification of human behavior by the application of psychological principles, methods, or procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental health. The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnoses and treatment of mental and emotional disorder of disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals or groups. Services rendered indirectly to a third entity (i.e., an organization or institution) are regarded as “consultation” and not “practice” and thus is not covered by this act. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered (See section L for exemptions).

7. **Professional Psychology Training Program**

Professional psychology training program means a masters-level training program that:

a) is a planned program of study which reflects an integration of the science and discipline of psychology and
b) is one which adheres to the joint CAMPP/NAMP standards set forth in the NAMP (1993) Accreditation Manual.

8. Professional Relationship

Professional relationship means a mutually agreed upon relationship between a psychologist and client(s) for the purpose of the client(s) benefiting from the psychologist’s professional expertise.

9. Psychologist

Psychologist means a person licensed to practice psychology in this or another jurisdiction.

10. Representation as a 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, or psychologist, or if that person offers or renders to individuals or to groups of individual (as distinguished from organizations institutions or agencies) services defined as the practice of psychology in this Act.

D. _________________________________(Name of Jurisdiction) REGULATORY BOARD OF PSYCHOLOGY

1. Creation of Board

There is hereby created the _______________________________ (name of jurisdiction) regulatory board of Psychology (hereafter referred to as the Board) to regulate the practice of psychology in this jurisdiction in accordance with this Act and to otherwise enforce this Act.

2. Delegation of Duties

The duties of determining a person’s initial and continuing qualifications and fitness to practice psychology, proceeding against the unlawful an unlicensed practice of psychology, and enforcing this Act are hereby delegated to the Board. These duties shall be discharged in accordance with this Act and the rules and regulations promulgated by the Board. In order to carry out these delegated duties, the Board shall have the power and is hereby authorized to employ such personnel as necessary including, but not limited to: attorneys; investigator, hearing officers; examiners; court reporters; and other support personnel.

3. Authority to Promulgate Rules and Regulations

In addition to the powers set forth elsewhere in this Act, the Board shall adopt rules and regulations to carry out the provisions of this Act. It is necessary that the powers conferred on the Board by this Act be liberally construed to protect the health, safety, and the welfare of the people of this jurisdiction.
4. **Board Membership**

   a) **Number**

   The Board shall be the same Board as that which regulates the practice of Psychology for doctoral-level psychologists. It shall be comprised of an equal number of individuals representing three constituencies: a) doctoral-level psychologists, b) licensed masters-level psychologists, and c) nonpsychologists representing the public interest.

   b) **Qualifications**

   1) The public member(s) must reside in this jurisdiction and shall have lived in the jurisdiction immediately preceding his/her appointment, have never been a psychologist, an applicant or former applicant for licensure as a psychologist. A member of another mental health profession, or a member of a household that includes a psychologist or otherwise have conflicts of interest or the appearance of such conflicts with his/her duties as a Board member.

   2) Each psychologist member must reside in this jurisdiction, have a current valid license, and have been licensed to practice psychology by this jurisdiction immediately preceding their appointments. Each must be free of conflicts of interest or the appearance of such conflicts with his/her duties as Board members.

   c) **Term**

   The term of office shall be five years, with provisions for reappointment for one additional term. Terms of service shall be staggered.

   d) **Appointment of Members**

   1) The members of the Board shall be appointed by the ____________(name of appointing authority) at least 30 calendar days prior to the beginning of the Board term to be filled, or in the case of an unexpired term, the ____________(name of appointing authority) shall fill the vacancy within 30 days of the vacancy’s occurrence. Should the ____________(name of appointing authority) not act as quickly as required by this paragraph, the Board member whose term has expired may serve until such time as an official appointment is made.

   2) The psychologist members of the Board shall be appointed by the (name of appointing authority) from nominees submitted by interested organizations and individuals.

   e) **Removal of Board Members**

   The ____________(name of appointing authority) shall remove any member from the Board if he or she:

   1) ceases to be qualified; or

   2) fails to attend three successive Board meetings without just cause as determined by the Board; or
3) is found to be in violation of this Act; or

4) is found guilty of a felony or an unlawful act involving moral turpitude by a court of competent jurisdiction; or

5) is found guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her Board duties by a court of competent jurisdiction.

5. **Board Meetings**

   a) The Board shall meet ______ times a year and at such additional times as may be necessary to carry out the duties of the Board; and

   b) Annually the Board shall elect a chairperson as well as any other officers necessary to carry out the duties of the Board; and

   c) A majority of the appointed board members shall constitute a quorum for purposes of conducting the business of the Board; and

   d) Decisions of the Board dealing with the granting or denial of a license to practice, or discipline of a license holder, shall require a majority vote of all members of the Board. All other decisions of the Board may be made upon a majority vote of a quorum is present.

6. **Board Liability**

   A member of the Board or any employee or agent of the Board shall not be held subject to civil liability for any act performed in good faith and within the scope of the duties of the Board.

E. **FUNDING**

1. **Revenues**

   The Board shall be fully supported by the revenues generated from its activities, including fees, changes, and reimbursed costs.

2. **Setting Fees and Changes**

   The Board shall, from time to time, establish reasonable fees for applications, examinations, the insurance and renewal of licenses and its other services. Fees shall be set so as to defray the cost of administering the provisions of this Act, including enforcement, and the cost of operating the Board.

3. **Reimbursement**

   Each member of the Board shall receive _______dollars per diem when actually attending to the work of the Board. Members shall also receive the amount of reasonable travel,
hotel and other necessary expenses incurred in the performance of their duties in accordance with the jurisdiction’s rules and regulations.

F. REQUIREMENTS FOR LICENSURE

1. General

An applicant for licensure shall be at least ______ years of age and of good moral character.

2. Education

An applicant for licensure must possess a masters degree from a program of graduate study in psychology, awarded by an institution of higher education, as such terms are defined in this Act and the rules and regulations of the Board.

An applicant trained in an institution outside the United States or Canada must demonstrate to the satisfaction of the Board that he/she possesses a masters degree in psychology, the requirement for which were substantially similar to the requirements for a masters degree in professional psychology as defined in this Act.

3. Experience

An applicant for licensure must demonstrate that he/she has completed three years of full-time post-master supervised professional experience or its equivalent in part-time experience. Supervision shall be done by a fully licensed psychologist (either masters or doctoral level) and shall consist of approximately one hour for each 20 hours of work. In addition, supervision shall be face to face (i.e., in person). Years of supervised experience must be acceptable to the Board and comply with the specific guidelines set out in the Board’s rules and regulations.

4. Examinations

a) An applicant for licensure must pass the Examination for Professional Practice in Psychology, and other written and/or oral examination(s) prescribed by the Board in its rules and regulations.

b) The passing score for all examinations shall be determined by the Board and set out in its rules and regulations.

c) The Board shall establish rules and regulations regarding reexamination of failed applicants.

5. Waiver of Examination(s)

The Board may waive examination(s) if a psychologist has been licensed in another jurisdiction and if the requirements for licensure in that jurisdiction are equal to, or exceed, the
requirements for licensure in this jurisdiction; or for senior psychologists as that term is defined in the rules and regulations of the Board.

6. **Senior Psychologist**

   Notwithstanding Section F. 1-5 above, the Board shall issue a license to an applicant who:
   
   a) has at least twenty years of licensure to practice psychology in a United States or Canadian jurisdiction when that license was based on a masters degree; and
   
   b) has had no disciplinary sanction during the entire period of licensure; and
   
   c) has passed this jurisdiction’s complementary examination(s); and
   
   d) has tendered the appropriate application and fees as required in this statute or the rules and regulations of the Board.

7. **Reciprocal Licensure**

   Notwithstanding the provisions of this Section, the board may issue a license to any individual who qualifies for such a license pursuant to an agreement of reciprocity entered into by the board of this jurisdiction with the board or boards of another jurisdiction or multiple jurisdictions. It is recommended that the Board enter into reciprocity agreements with jurisdictions that have passed bills that are substantially equivalent to this Model Bill.

G. **ANNUAL RENEWAL; LAPSED LICENSED; REINSTATEMENT**

   Each psychologist licensed under the provisions of this Act shall pay the annual license renewal fee established by the Board. Failure to pay the annual license fee within the time prescribed by the Board shall cause the license to lapse. Any psychologist whose license lapses for non-payment of the annual renewal fee shall for five years thereafter, have the right to have his/her former license reinstated upon the payment of accrued annual fees and late penalties. However, in the event a psychologist is alleged to have violated any of the prohibitions on professional conduct found in Section M of this Act, the Board may, upon hearing and proof thereof, deny the reinstatement of the license, or revoke the right to apply for reinstatement of the license.

H. **PRIOR LICENSURE**

   A person who is licensed as a psychologist under the provision of (cite relevant section(s) of previous licensing law) as of the effective date of this Act shall be deemed to have met all requirements for licensure under this Act and shall be eligible for renewal of licensure in accordance with the provision of this Act.

I. **INTERJURISDICTIONAL PRACTICE OF PSYCHOLOGY**
An individual licensed to practice psychology in another jurisdiction may practice psychology in this jurisdiction without applying for a license, so long as the requirements for a license in the former jurisdiction are equal to, or exceed, the requirements for licensure in this jurisdiction, and the psychologist limits his/her practice in this jurisdiction to no more than 30 days per year, as defined in the rules and regulations of the Board.

However, any individual’s privilege to practice under this provision shall be subject to the prohibitions and sanctions for inappropriate, unprofessional and/or unethical conduct contained in Section M of this statute and the provisions for hearings and investigations contained in Section N of this statute.

J. TEMPORARY AUTHORIZATION TO PRACTICE

Subject to the restrictions set out below, the Board may issue a temporary license to practice for not more than one (1) year to a psychologist who is licensed in another jurisdiction and who has applied for a license to practice psychology in this jurisdiction, provided that:

1. the requirements for licensure in the former jurisdiction are equal to, or exceed, the requirements for licensure in this jurisdiction; and

2. the applying psychologist meets the requirements for admission to the examination process in this jurisdiction; and

3. the psychologist is not the subject of a past or pending disciplinary action in another jurisdiction.

K. SCOPE AND LIMITATION OF PRACTICE

The licensee may practice in any area of psychology in which he/she is qualified; however, the Board shall ensure through its code of conduct and rules and regulations that licensees limit their practice to demonstrate areas of competence as documented by relevant professional education, training, and experience.

L. EXEMPTIONS

1. Teaching and Research

Nothing in this Act shall be construed to prevent the teaching of psychology, or the conduct of psychological research, provided that such teaching or research does not involve the delivery or supervision of direct psychological services to individuals who are themselves, rather than a third party, the intended beneficiaries of such services without regard to the source or extent of payment for services rendered. Nothing in this Act shall prevent the provision of expert testimony by psychologist who are exempted by this Act. Persons holding an earned masters degree in psychology from an institution of higher education may use the title “psychologist” in conjunction with activities permitted in this subsection.
2. **Other Licensed Professions**

Nothing in this Act shall be construed to prevent members of other professions licensed under the laws of this jurisdiction from rendering services within the scope of practice as set out in the statutes regulating their professional practices, provided that they do not represent themselves to be psychologist, or their services as psychological.

3. **Clergy**

Nothing in this Act shall be construed to prevent duly recognized members of the clergy from functioning in their ministerial capacities, provided that they do not represent themselves to be psychologist, or their services as psychological.

4. **School Psychologists**

Nothing in this Act shall be construed to prevent persons who are credentialed as school psychologists by the (name of regulatory body for public education) from using the title “school psychologist” and practicing psychology as defined in this Act as long as such practice is restricted to regular employment within a setting under the purview of the (name of regulatory body for public education). Note: It is, however, permissible for school psychologists, who are credentialed by another body or board, to also be licensed as psychologist under this Act.

5. **Students, Interns and Assistants**

Nothing in this Act shall be construed to prevent persons set out in a) and b) below from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title “psychologist”. Such persons may use the terms “psychological trainee”, “psychological intern”, “psychological resident”, or “psychological assistant” provided that such persons perform their activities under the supervision and responsibility of licensed psychologist in accordance with the rules and regulations promulgated by the Board.

a) a matriculated graduate student whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education.

b) an individual pursuing post masters training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act.

M. **GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF LICENSES AND OTHER DISCIPLINARY SANCTIONS**

A psychologist, and anyone under his or her supervision, shall conduct his or her professional activities in conformity with ethical and professional standards promulgated by the Board under its rules and regulations.

The Board shall have the power to deny, suspend, place on probation, and/or require remediation for any psychologist for a specified time, to be determined at the discretion of the Board, or to
revoke and license to practice psychology or to impose other disciplinary sanctions, including administrative fines and the costs of disciplinary actions; whenever the Board shall find by a preponderance of the evidence that the applicant or psychologist has engaged in any of the following acts or offenses:

1. fraud in applying for or procuring a license to practice psychology;

2. immoral, unethical, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the Board.

3. the practice of psychology in such a manner as to endanger the welfare of clients or patients;

4. conviction of a felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);

5. conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;

6. harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;

7. sexual intercourse or other sexual contact with a client or patients;

8. use of untruthful or deceptive or improbable statements concerning the licensee’s qualifications or the effects or results of proposed treatment, including functioning outside of one’s professional competence established by education, training, and experience;

9. gross or repeated malpractice, or gross negligence in the practice of psychology;

10. conviction of fraud in filing Medicare of Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence);

11. exercising undue influence in such a manner as to exploit the client, student, or supervisee for financial or other personal advantage to the practitioner or a third party;

12. refusal to comply with any written order of the Board;

13. making any fraudulent or untrue statement to the Board;

14. violation of the code of conduct adopted in the rules and regulations of the Board;

15. inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.
The Board must consider the possible suspension or revocation by another jurisdiction of a license to practice psychology (a certified copy of the record of suspension or revocation of the jurisdiction making such a suspension or revocation shall be conclusive evidence thereof).

N. BOARD HEARING AND INVESTIGATIONS

1. Investigations

The Board may investigate or cause to be investigated any allegation or evidence that appears to show that a person is practicing psychology without a license, or a psychologist licensed to practice in this jurisdiction, and anyone under his or her supervision is, or may be, in, violation of this Act or of any of the rules and regulations adopted by the Board.

2. Reporting Violations

Any person who in good faith reports a violation to the Board shall be absolutely immune from civil liability for any statement or opinion made in such report.

3. Board Hearings

Any hearings conducted by the Board shall comply with all the requirements of the jurisdiction Administrative Procedures Act.

4. Prehearing

The accused will have the opportunity for a prehearing to be informed of changes and have the right to present evidence.

5. Compelling Attendance

The Board shall have the right to conduct an ex parte hearing if, after due notice, the individual fails or refuses to appear. The Board shall have the authority to issue subpoenas for production of documents and witnesses and to administer oaths. The Board shall have the right to apply to a court of competent jurisdiction to take the appropriate action; should a subpoena not be obeyed.

6. Injunctive Relief

The Board, or a representative thereof, is hereby authorize to petition a court of general jurisdiction in this jurisdiction for injunctive relief if such is necessary to enforce any of the provisions of this Act. Any such injunction may be issued in addition to, or in lieu of the administrative and/or criminal sanctions provided for in this Act.

7. Determined of Mental of Physical Impairment

When there is reasonable cause to believe that a psychologist or applicant for licensure to practice psychology is physically or mentally incapable of practicing psychology with reasonable skill and safety to patients and clients, then upon a showing of probable cause to
the Board that the psychologist or applicant is not capable of practicing with reasonable skill or safety, the Board may order the psychologist or applicant in question to submit to an examination by a committee of three qualified professionals designated by the Board to determine physical and/or mental status to practice psychology. The expenses of such an examination ordered by the board shall be borne by the Board. The Board shall then consider the finding and conclusions of such examination committee(s) and any other evidence or material which may be submitted by the psychologist or applicant in question or any other individual. The Board shall then determine if the psychologist or applicant in question is qualified to practice psychology with reasonable skill and safety. If the board determines that the psychologist in question is not qualified to practice psychology with reasonable skill and safety, then this finding shall constitute ground for the revocation, suspension or limitation of the license to practice or the denial or the application to practice psychology in this jurisdiction.

Any psychologist whose license to practice is denied, revoked, suspended or otherwise limited, or applicant for license as a psychologist, whose application is denied due to a finding of mental or physical impairment has a right to appeal the action of the Board pursuant to the provisions of this jurisdiction’s Administrative Procedures Act.

When mental or physical capacity to practice is at issue, every psychologist licensed to practice in this jurisdiction or any applicant for such license shall be deemed to have consented to submit to a mental or physical examination or any combination of such examinations and to waive all objections to the admissibility of such examination or to previously adjudicated evidence of a mental or physical impairment. Refusal of a licensee or applicant for licensure to submit to such examination or release the results of such examination shall be just cause for the denial of application, refusal to renew or suspension of the individual’s license until such an examination is completed and the Board has made a determined of fitness to practice with reasonable skill and safety.

8. Reinstatement of License

The refusal to renew, limitation, suspension or revocation of a license shall continue in accordance with an order of the Board unless modified by further order of the Board pursuant to a reinstatement hearing. The individual seeking reinstatement must request such a hearing and shall submit to and bear the expense for any investigation or examination required by the Board to determine fitness to practice.

9. Voluntary Surrender

A psychologist may surrender his or her license when such person is charged with unethical conduct and upon receipt of that charge, that person decides to surrender the license. Such surrender shall not rescind the jurisdiction of the Board to proceed to a formal adjudication of the matter.

O. APPEALS

Any psychologist or applicant for licensure as a psychologist whose license to practice is denied, revoke, suspended or otherwise limited pursuant to Section L or M above shall have the right to
appeal the action of the Board pursuant to the provisions of this jurisdiction’s Administrative Procedures Act.

P. PRIVILEGED COMMUNICATION

1. General

The confidential relations and communications between licensed psychologists and their clients are placed on the same basis as those provided by the law between attorneys and clients.

2. Judicial Proceedings

In judicial proceedings, whether civil, criminal, or juvenile; in legislative and administrative proceedings; and in proceedings preliminary and ancillary thereto, a patient or client, or his or her guardian or personal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist licensed or otherwise authorized to practice psychology under the laws of this jurisdiction, or to persons reasonably believed by the patient or client to be so licensed, and their agents, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder. In the absence of evidence to the contrary, the psychologist is presumed authorized to claim the privilege on the patient’s or client’s behalf.

3. Exceptions

This privilege may not be claimed by the patient or client, or on his or her behalf by authorized persons, in the following circumstances:

   a) where abuse or harmful neglect of children, the elderly, or disabled or incompetent individuals is known or reasonably suspected;

   b) where the validity of a will of a former patient of client is contested;

   c) where such information is necessary for the psychologist to defend against a malpractice action brought by the patient of client;

   d) where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;

   e) where an immediate threat of self-inflicted damage is disclosed to the psychologist;

   f) where the patient or client, by alleging mental or emotional damages in litigation, puts his or mental state at issue;

   g) where the patient or client is examined pursuant to court order; or
h) when the purpose of the proceedings is to substantiate and collect on a claim for mental or emotional health services rendered to the patient or any other cause of action arising out of the professional relationship;

i) in the context of investigations and hearings brought by the patient or client and conducted by the Board, where violations of this Act are at issue.

Q. CONTINUING EDUCATION

1. In order to qualify for licensure renewal, each psychologist must complete a minimum of seven hours of competence experience every year in order to retain his or her license. A minimum of three hours must be from courses accredited as “scientific,” and a minimum of three hours must be from courses accredited as “practical” by the Northamerican Association of Masters in Psychology (NAMP) or its successors and/or designees.

2. The Board is hereby empowered to adopt rules and regulations to govern the manner in which all continuing education experiences shall be reported.

R. SEVERABILITY

If any section in this Act or any part of any section thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remaining section or parts thereof of this Act.

S. EFFECTIVE DATE

This Act shall become effective upon the date it is signed by the ________________(cite appropriate authority) or on the date it otherwise becomes effective by operation of law.