FOREWORD

ASPPB MODEL ACT FOR LICENSURE and REGISTRATION OF PSYCHOLOGISTS

This ASPPB Model Act for Licensure and Registration of Psychologists (MLRA) is the second revision of the ASPPB Model Act for Licensure of Psychologists, originally approved at the Annual Meeting of Delegates in October 1992. The current version was approved by the delegates on October 14, 2010 at the 50th Annual Meeting of ASPPB.

Since the last revision of the Model Act, there have been some significant changes in how psychological services are delivered, as well as major developments in education and training, healthcare, and technology. The present version contains extensive revisions to reflect those changes. New sections have been added to recognize the role of distance education and technology in education and training, including recommended language for residency requirements. New technology and increased mobility of psychologists has necessitated the development of new language to address interjurisdictional practice, and the delivery of psychological services by electronic or other means (i.e., telepsychology). Clearer and simpler language is proposed for temporary authorization to practice psychology, and for provisional licensure. A new section has been added that would require a psychologist to inform, in writing, his or her clients and other relevant entities of any disciplinary action taken against his or her license. Finally, the present revision of the Model Act now includes proposed language for jurisdictions that license or register individuals to practice psychology with a Master's degree.

Several sections of the previous version of the Model Act were updated or expanded. The current revision continues to recognize the important role of school psychologists, and acknowledges the authority, in some jurisdictions, of state or provincial agencies or departments of education to regulate the practice of school psychology. Where applicable, language has been revised throughout the document to make it more inclusive of non-health service psychology, most notably industrial-organizational psychology. Continuing education is now referred to as "Continuing Professional Development" to more accurately define the concept and to anticipate its future development.

ASPPB continues to support the requirement that one year of supervised professional experience be acquired at the post-doctoral level, and the current revision of the Model Act reflects this position. Some jurisdictions have eliminated the post-doctoral requirement, and others are contemplating this change. To promote consistency in licensure requirements across jurisdictions that will enhance professional mobility, ASPPB strongly recommends that those jurisdictions considering elimination of the post-doctoral supervision requirement refer to the ASPPB Guidelines on Practicum Experiences for Licensure at www.asppb.net.

This document builds on the work of previous ASPPB Model Act Committees and member jurisdictions, and included a lengthy consultation process during which the committee received feedback and comments from ASPPB member boards, stakeholders, and the public. We are grateful to everyone who took the time to provide thoughtful, helpful, and critical comments to the committee during the development of this document. All comments were reviewed carefully, and every attempt was made to incorporate the changes suggested while maintaining a document acceptable to most ASPPB member boards as well as a broad range of other relevant stakeholder groups. The end result is a better product because of your input.

Special credit is due to those who devoted countless hours to complete this revision of the Model Act. The members of the ASPPB Model Act and Regulations Committee came from a range of geographical regions representing large, medium, and small jurisdictions. In addition, individual members represented a range of professional backgrounds, education, and training, and included board members, and board administrators. The members of the Model Act and Regulations Committee who worked on this revision were: Joe Rallo, Ph.D. (MB) (Chair); Alex Siegel, J.D., Ph.D. (PA) (Co-chair); Ann Barnard, Ed.D. (VI); Donald Meck, Ph.D., J.D. (GA); Ronald Ross, Ph.D. (OH); Martha Storie, B.S. (NC); Janet Pippin, MBA (ASPPB); Stephen DeMers Ed.D. (ASPPB).

As with previous versions, this document will most certainly require revision in the future to address changes in how psychologists are educated, trained, and regulated, and to reflect new and not yet contemplated ways in which psychological services may be delivered. The Board of Directors hopes that this current, updated version of the ASPPB Model Act for Licensure and Registration of Psychologists will be a useful resource not only for state and provincial psychology boards, but for professional associations and legislators whenever revisions to acts regulating psychology are proposed, or are being considered.

As always, we welcome your comments and suggestions.

Sincerely,

Joseph Rallo, Ph.D.
President, ASPPB 2010-2011
Chair, Model Act and Regulations Committee
November 17, 2010

Preamble

IT IS RECOGNIZED THAT REGULATORY LANGUAGE VARIES GREATLY ACROSS JURISDICTIONS. THIS IS ESPECIALLY TRUE ACROSS INTERNATIONAL BOUNDARIES. IN AN EFFORT TO PROVIDE JURISDICTIONS WITH MODEL LANGUAGE WHICH IS STRAIGHTFORWARD AND NOT CUMBERSOME, WE HAVE TRIED TO UTILIZE GENERIC LANGUAGE WHERE POSSIBLE. HENCE, THE WORD "BOARD" IS INTENDED TO INCLUDE ALL AGENCIES REGULATING PSYCHOLOGY. THE MORE COMMONLY USED TERM FOR A BOARD OF PSYCHOLOGY IN CANADA IS "COLLEGE". SIMILARLY, THE MEMBERS OF THE BOARD ("BOARD") ARE OFTEN COLLECTIVELY REFERRED TO AS THE "COUNCIL" IN CANADA. IT IS ALSO RECOGNIZED THAT LAWS GOVERNING PRACTICE, ADMINISTRATIVE LAW, ETC., VARY WIDELY, AND THAT SOME OF THE LEGAL TERMS UTILIZED IN THIS DOCUMENT MAY NOT BE APPLICABLE IN ALL JURISDICTIONS.

I. DECLARATION OF POLICY

THE PRACTICE OF PSYCHOLOGY IN (NAME OF JURISDICTION) IS HEREBY DECLARED TO AFFECT THE PUBLIC 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.

II. PRACTICE WITHOUT A LICENSE

IT SHALL BE A VIOLATION OF THIS ACT FOR ANY PERSON NOT LICENSED IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT TO REPRESENT HIMSELF OR HERSELF AS A PSYCHOLOGIST. IT SHALL BE A VIOLATION OF THIS ACT FOR ANY PERSON NOT LICENSED IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY AS DEFINED IN THIS ACT, WHETHER PRACTICING AS AN INDIVIDUAL, FIRM, CORPORATION, AGENCY OR OTHER ENTITY.

ANY PERSON WHO SHALL REPRESENT HIMSELF OR HERSELF AS A PSYCHOLOGIST IN VIOLATION OF THIS ACT, OR WHO SHALL ENGAGE IN THE PRACTICE OF PSYCHOLOGY IN VIOLATION OF THIS ACT, SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE FINED NOT LESS THAN _____ DOLLARS AND NOT MORE THAN _____ DOLLARS AND, IN ADDITION THERETO, MAY BE

IMPRISONED FOR NOT MORE THAN _____ MONTHS. EACH DAY SUCH PERSON SHALL PRACTICE PSYCHOLOGY WITHOUT MEETING ALL THE REQUIREMENTS OF ALL LAWS NOW IN FORCE AND OF THIS ACT SHALL CONSTITUTE A SEPARATE OFFENSE. ANY PERSON FILING OR ATTEMPTING TO FILE, AS HIS OR HER OWN, A DIPLOMA OR LICENSE OF ANOTHER OR A FORGED AFFIDAVIT OF IDENTIFICATION SHALL BE GUILTY OF A FELONY AND SHALL BE SUBJECT TO THE PUNISHMENT PRESCRIBED FOR FORGERY IN THE SECOND DEGREE.

THE BOARD IS AUTHORIZED TO BRING AN ACTION TO ENJOIN ANY PERSON, FIRM OR CORPORATION WHICH, WITHOUT BEING LICENSED TO PRACTICE PSYCHOLOGY BY THE BOARD, ENGAGES IN THE PRACTICE OF PSYCHOLOGY AS REGULATED BY THIS ACT. THE PROCEEDING SHALL BE FILED IN THE JURISDICTION IN WHICH THE INFRACTION OCCURS. IF IT SHALL BE MADE TO APPEAR THAT SUCH PERSON, FIRM OR CORPORATION IS PRACTICING PSYCHOLOGY WITHOUT A LICENSE, THE INJUNCTION SHALL BE ISSUED, AND SUCH PERSON, FIRM OR CORPORATION SHALL BE PERMANENTLY ENJOINED FROM PRACTICING PSYCHOLOGY THROUGHOUT THE JURISDICTION. IT SHALL NOT BE NECESSARY, IN ORDER TO OBTAIN THE EQUITABLE RELIEF DESCRIBED IN THIS ACT SECTION, FOR THE BOARD TO ALLEGE AND PROVE THERE IS NO ADEQUATE REMEDY AT LAW. IT IS DECLARED THAT SUCH UNLICENSED ACTIVITIES ARE DANGEROUS TO PUBLIC HEALTH, SAFETY, AND WELFARE.

III. DEFINITIONS

A. BOARD

BOARD MEANS THE _____ (NAME OF BOARD OR COMMITTEE).

B. CLIENT/PATIENT

CLIENT OR PATIENT IS USED TO REFER TO A DIRECT RECIPIENT OF PSYCHOLOGICAL SERVICES WITHIN THE CONTEXT OF A PROFESSIONAL RELATIONSHIP INCLUDING A CHILD, ADOLESCENT, ADULT, COUPLE, FAMILY, GROUP, ORGANIZATION, COMMUNITY, OR OTHER POPULATIONS, OR OTHER ENTITIES RECEIVING PSYCHOLOGICAL SERVICES. IN SOME CIRCUMSTANCES (E.G., AN EVALUATION THAT IS COURT-ORDERED, REQUESTED BY AN ATTORNEY, AN AGENCY, OR OTHER ADMINISTRATIVE BODY), THE CLIENT MAY BE THE

INDIVIDUAL OR ENTITY REQUESTING THE PSYCHOLOGICAL SERVICES AND NOT NECESSARILY THE RECIPIENT OF THOSE SERVICES.

IN THE CASE OF INDIVIDUALS WITH LEGAL GUARDIANS, INCLUDING MINORS AND LEGALLY INCOMPETENT ADULTS, THE LEGAL GUARDIAN SHALL BE THE CLIENT FOR DECISION MAKING PURPOSES, EXCEPT THE INDIVIDUAL RECEIVING SERVICES SHALL BE THE CLIENT FOR:

1. ISSUES DIRECTLY AFFECTING THE PHYSICAL OR EMOTIONAL SAFETY OF THE INDIVIDUAL, SUCH AS SEXUAL OR OTHER EXPLOITATIVE DUAL RELATIONSHIPS, OR
2. ISSUES SPECIFICALLY RESERVED TO THE INDIVIDUAL, AND AGREED TO BY THE GUARDIAN PRIOR TO RENDERING OF SERVICES, SUCH AS CONFIDENTIAL COMMUNICATION IN A THERAPY RELATIONSHIP.

C. CODE OF CONDUCT

CODE OF CONDUCT MEANS THAT SET OF REGULATORY RULES OF PROFESSIONAL CONDUCT (E.G., THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS CODE OF CONDUCT) WHICH HAS BEEN ADOPTED BY THE BOARD BY STATUTE OR RULE TO PROTECT THE PUBLIC WELFARE BY PROVIDING RULES THAT GOVERN A PROFESSIONAL'S BEHAVIOR IN ANY PROFESSIONAL RELATIONSHIP.

D. CONTINUING PROFESSIONAL DEVELOPMENT

CONTINUING PROFESSIONAL DEVELOPMENT IS AN ONGOING PROCESS TO MAINTAIN AND ENHANCE PROFESSIONAL COMPETENCE IN THE PSYCHOLOGIST'S AREA OF PRACTICE OR SPECIALTY. IT BUILDS ON THE FOUNDATION OF A COMPLETED PROFESSIONAL TRAINING PROGRAM IN PSYCHOLOGY IN THAT AREA OF PRACTICE OR SPECIALTY. IT IS BASED ON CONCEPTS OF EVIDENCE-BASED PRACTICE, AND CAN BE ATTAINED THROUGH A BROAD RANGE OF PROFESSIONAL ACTIVITIES.

E. CERTIFICATE OF PROFESSIONAL QUALIFICATION IN PSYCHOLOGY (CPQ)

CERTIFICATE OF PROFESSIONAL QUALIFICATION IN PSYCHOLOGY, OR "CPQ" IS THE INDIVIDUAL MOBILITY CREDENTIAL ISSUED BY ASPPB AND RECOGNIZED BY PSYCHOLOGY REGULATORY BOARDS TO FACILITATE LICENSURE OF A PSYCHOLOGIST IN ANOTHER JURISDICTION WHO HAS ALREADY BEEN LICENSED AS A PSYCHOLOGIST FOR FIVE YEARS OR

MORE, WHERE SUCH LICENSE IS BASED ON A DOCTORAL DEGREE, AND HAS NO RECORD OF ANY PUBLICLY REPORTED DISCIPLINARY RECORD.

F. DAY

DAY MEANS ANY PART OF A 24-HOUR PERIOD (MIDNIGHT TO MIDNIGHT) IN WHICH PSYCHOLOGICAL SERVICES ARE RENDERED.

G. DISCIPLINARY ACTION

DISCIPLINARY ACTION MEANS ANY ACTION TAKEN BY A LICENSING BOARD WHICH FINDS A VIOLATION OF A STATUTE OR REGULATION THAT IS A MATTER OF PUBLIC RECORD.

H. DISTANCE EDUCATION

DISTANCE EDUCATION MEANS A FORMAL EDUCATIONAL PROCESS IN WHICH INSTRUCTION OCCURS WHEN THE STUDENT AND FACULTY ARE NOT IN THE SAME PHYSICAL LOCATION AND, AS A RESULT, REQUIRES SPECIAL COURSE DESIGN, INSTRUCTIONAL TECHNIQUES AND METHODS OF COMMUNICATION. INSTRUCTION MAY BE SYNCHRONOUS OR ASYNCHRONOUS AND USE ELECTRONICALLY MEDIATED METHODOLOGIES FOR NOT ONLY INSTRUCTION BUT ALSO ACADEMIC AND RESEARCH ADVISING, MENTORING, SUPPORT AND ADMINISTRATIVE SERVICES, EVALUATION, AND OTHER STUDENT, AND FACULTY CONTACTS.

I. EPPP

EXAMINATION FOR PROFESSIONAL PRACTICE IN PSYCHOLOGY (EPPP) IS A STANDARDIZED EXAM USED BY STATE AND PROVINCIAL BOARDS OF PSYCHOLOGY TO ASSIST IN THE EVALUATION OF THE QUALIFICATIONS OF APPLICANTS FOR LICENSURE AND CERTIFICATION AND IS DEVELOPED AND OWNED BY THE ASPPB.

J. HEALTH SERVICE PROVIDER IN PSYCHOLOGY

A HEALTH SERVICE PROVIDER IN PSYCHOLOGY MEANS AN INDIVIDUAL LICENSED UNDER THIS ACT WHO IS DULY TRAINED AND EXPERIENCED (I.E., MEETS DEFINED CRITERIA OF TRAINING AND EXPERIENCE ADOPTED BY THE BOARD IN RULES AND REGULATIONS) IN THE DELIVERY OF DIRECT PREVENTIVE, DIAGNOSTIC, ASSESSMENT, AND THERAPEUTIC INTERVENTION SERVICES TO CLIENTS/PATIENTS WHOSE GROWTH, ADJUSTMENT, OR

FUNCTIONING IS ACTUALLY IMPAIRED OR IS DEMONSTRABLY AT HIGH RISK OF IMPAIRMENT.

K. Institution of Higher Education

INSTITUTION OF HIGHER EDUCATION MEANS A UNIVERSITY, PROFESSIONAL SCHOOL, OR OTHER INSTITUTION OF HIGHER LEARNING THAT:

1. IN THE UNITED STATES, IS REGIONALLY ACCREDITED BY BODIES APPROVED BY THE COUNCIL ON POSTSECONDARY ACCREDITATION AND THE UNITED STATES OFFICE OF EDUCATION;
2. IN CANADA, A MEMBER OF THE ASSOCIATION OF UNIVERSITIES AND COLLEGES OF CANADA OR
3. IN OTHER COUNTRIES, IS ACCREDITED BY THE RESPECTIVE OFFICIAL ORGANIZATION HAVING SUCH AUTHORITY.

L. Interjurisdictional Practice Certificate (IPC)

THE INTERJURISDICTIONAL PRACTICE CERTIFICATE (IPC) IS THE INDIVIDUAL MOBILITY CREDENTIAL ISSUED BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS (ASPPB) TO FACILITATE SHORT-TERM AND/OR TEMPORARY AUTHORIZATION TO PRACTICE PSYCHOLOGY IN ONE JURISDICTION BY AN INDIVIDUAL LICENSED AS A PSYCHOLOGIST AT THE DOCTORAL LEVEL IN ANOTHER JURISDICTION.

M. Licensed

LICENSED MEANS HAVING A LICENSE ISSUED BY A BOARD OF PSYCHOLOGY WHICH GRANTS THE AUTHORITY TO ENGAGE IN THE AUTONOMOUS PRACTICE OF PSYCHOLOGY. THE TERMS REGISTERED, CHARTERED, OR ANY OTHER TERM CHOSEN BY A JURISDICTION USED IN THE SAME CAPACITY AS LICENSED ARE CONSIDERED EQUIVALENT TERMS.

N. Practice of Psychology

PRACTICE OF PSYCHOLOGY IS DEFINED AS THE OBSERVATION, DESCRIPTION, EVALUATION, INTERPRETATION, PREDICTION AND MODIFICATION OF HUMAN BEHAVIOR BY THE APPLICATION OF PSYCHOLOGICAL PRINCIPLES, METHODS, AND PROCEDURES, FOR THE PURPOSES OF

1. PREVENTING, ELIMINATING, EVALUATING, ASSESSING, OR PREDICTING SYMPTOMATIC, MALADAPTIVE, OR UNDESIRED BEHAVIOR;

2. EVALUATING, ASSESSING AND/OR FACILITATING THE ENHANCEMENT OF INDIVIDUAL, GROUP AND/OR ORGANIZATIONAL EFFECTIVENESS – INCLUDING PERSONAL EFFECTIVENESS, ADAPTIVE BEHAVIOR, INTERPERSONAL RELATIONSHIPS, WORK AND LIFE ADJUSTMENT, HEALTH, AND INDIVIDUAL, GROUP AND/OR ORGANIZATIONAL PERFORMANCE; OR
3. ASSISTING IN LEGAL DECISION-MAKING.

THE PRACTICE OF PSYCHOLOGY INCLUDES, BUT IS NOT LIMITED TO,

1. PSYCHOLOGICAL TESTING AND THE EVALUATION OR ASSESSMENT OF PERSONAL CHARACTERISTICS, SUCH AS INTELLIGENCE; PERSONALITY; COGNITIVE, PHYSICAL, AND/OR EMOTIONAL ABILITIES; SKILLS; INTERESTS; APTITUDES; AND NEUROPSYCHOLOGICAL FUNCTIONING;
2. COUNSELING, CONSULTATION, PSYCHOANALYSIS, PSYCHOTHERAPY, HYPNOSIS, BIOFEEDBACK, AND BEHAVIOR ANALYSIS AND THERAPY;
3. DIAGNOSIS, TREATMENT, AND MANAGEMENT OF MENTAL AND EMOTIONAL DISORDER OR DISABILITY, SUBSTANCE USE DISORDERS, DISORDERS OF HABIT OR CONDUCT, AS WELL AS OF THE PSYCHOLOGICAL ASPECTS OF PHYSICAL ILLNESS, ACCIDENT, INJURY, OR DISABILITY;
4. PSYCHOEDUCATIONAL EVALUATION, THERAPY, AND REMEDIATION;
5. CONSULTATION WITH OTHER PSYCHOLOGISTS, PHYSICIANS, OTHER HEALTH CARE PROFESSIONALS AND PATIENTS REGARDING ALL AVAILABLE TREATMENT OPTIONS, INCLUDING MEDICATION, WITH RESPECT TO PROVISION OF CARE FOR A SPECIFIC CLIENT OR PATIENT;
6. PROVISION OF DIRECT SERVICES TO INDIVIDUALS AND/OR GROUPS FOR THE PURPOSE OF ENHANCING INDIVIDUAL AND THEREBY ORGANIZATIONAL EFFECTIVENESS, USING PSYCHOLOGICAL PRINCIPLES, METHODS AND/OR PROCEDURES TO ASSESS AND EVALUATE INDIVIDUALS ON PERSONAL CHARACTERISTICS FOR INDIVIDUAL DEVELOPMENT AND/OR BEHAVIOR CHANGE OR FOR MAKING DECISIONS ABOUT THE INDIVIDUAL, SUCH AS SELECTION; AND
7. THE SUPERVISION OF ANY OF THE ABOVE.

PSYCHOLOGICAL SERVICES MAY BE RENDERED TO INDIVIDUALS, FAMILIES, GROUPS, SYSTEMS, AND/OR ORGANIZATIONS. THE PRACTICE OF PSYCHOLOGY SHALL BE CONSTRUED WITHIN THE MEANING OF THIS DEFINITION WITHOUT REGARD TO WHETHER PAYMENT IS RECEIVED FOR SERVICES RENDERED OR IF THE PRACTICE WAS CONDUCTED IN PERSON OR VIA ELECTRONIC MEANS.

O. Psychology Training Program

PSYCHOLOGY TRAINING PROGRAM MEANS A DOCTORAL TRAINING PROGRAM THAT:

1. IS A PLANNED PROGRAM OF STUDY WHICH REFLECTS AN INTEGRATION OF THE SCIENCE AND PRACTICE OF PSYCHOLOGY INCLUDING SUPERVISED PROFESSIONAL PRACTICE AND/OR INTERNSHIP;
2. AND, FOR APPLICANTS RECEIVING THEIR TERMINAL DEGREES AFTER 1990, IS DESIGNATED AS A DOCTORAL PROGRAM IN PSYCHOLOGY BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS AND THE NATIONAL REGISTER OF HEALTH SERVICE PROVIDERS IN PSYCHOLOGY.

P. Professional Relationship

PROFESSIONAL RELATIONSHIP MEANS A MUTUALLY AGREED UPON RELATIONSHIP BETWEEN A PSYCHOLOGIST AND CLIENT/PATIENT FOR THE PURPOSE OF THE CLIENT/PATIENT BENEFITING FROM THE PSYCHOLOGIST'S PROFESSIONAL EXPERTISE.

Q. Provisional Independent License

A PROVISIONAL INDEPENDENT LICENSE IS ISSUED TO AN APPLICANT FOR LICENSURE WHO IS CURRENTLY LICENSED IN ANOTHER JURISDICTION AND PERMITS INDEPENDENT PRACTICE IN THIS JURISDICTION DURING THE APPLICATION PROCESS.

R. Provisional Supervised License

A PROVISIONAL SUPERVISED LICENSE IS ISSUED TO AN APPLICANT WHO IS COMPLETING THE POSTDOCTORAL EXPERIENCE UNDER THE SUPERVISION OF A LICENSED PSYCHOLOGIST. ALL PRACTICE MUST BE SUPERVISED BY A LICENSED PSYCHOLOGIST.

S. Psychological Assistant

A PSYCHOLOGICAL ASSISTANT IS AN UNCREDENTIALED PERSON WHO WORKS UNDER THE SUPERVISION OF A LICENSED PSYCHOLOGIST AND, SUBJECT TO THAT SUPERVISION, IS EXEMPTED FROM THE REQUIREMENT FOR LICENSURE.

T. Psychological Associate

A PSYCHOLOGICAL ASSOCIATE IS A PERSON LICENSED TO PRACTICE AS A PSYCHOLOGICAL ASSOCIATE SUBJECT TO VI F (1) AND VI F (2), AND AS FURTHER DEFINED IN THE REGULATIONS.

U. PSYCHOLOGIST

PSYCHOLOGIST MEANS A PERSON LICENSED TO PRACTICE PSYCHOLOGY IN THIS OR ANOTHER JURISDICTION. THE TITLE "PSYCHOLOGIST" MAY NOT BE USED BY PROFESSIONALS WHO ARE EXEMPT FROM LICENSURE UNDER THIS ACT EXCEPT AS PERMITTED UNDER XI-A AND XI-D OF THIS ACT.

V. QUALITY ASSURANCE

A PROGRAM TO ASSURE THE QUALITY OF PRACTICE OF THE PROFESSION AND TO PROMOTE CONTINUING COMPETENCE OF PSYCHOLOGISTS LICENSED UNDER THIS ACT.

W. 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 HE OR SHE USES ANY TERM THAT IMPLIES THAT HE OR SHE POSSESSES EXPERT QUALIFICATIONS IN ANY AREA OF PSYCHOLOGY; OR IF THAT PERSON OFFERS OR RENDERS SERVICES DEFINED AS THE PRACTICE OF PSYCHOLOGY IN THIS ACT TO INDIVIDUALS, GROUPS OF INDIVIDUALS OR CORPORATE ENTITIES OR OTHER ORGANIZATIONS.

X. RESIDENCY

RESIDENCY MEANS PHYSICAL PRESENCE, IN PERSON, AT AN EDUCATIONAL INSTITUTION OR TRAINING FACILITY IN A MANNER THAT FACILITATES ACCULTURATION IN THE PROFESSION, THE FULL PARTICIPATION AND INTEGRATION OF THE INDIVIDUAL IN THE EDUCATIONAL, AND TRAINING EXPERIENCE AND INCLUDES FACULTY STUDENT INTERACTION. TRAINING MODELS THAT RELY EXCLUSIVELY ON PHYSICAL PRESENCE FOR PERIODS OF LESS THAN ONE CONTINUOUS YEAR (E.G., MULTIPLE LONG WEEKENDS AND/OR SUMMER INTENSIVE SESSIONS), OR THAT USE VIDEO TELECONFERENCING OR OTHER ELECTRONIC MEANS AS A SUBSTITUTE FOR ANY PART OF THE MINIMUM

REQUIREMENT FOR PHYSICAL PRESENCE AT THE INSTITUTION DO NOT MEET THIS DEFINITION OF RESIDENCY. IN THIS ACT, AND FOR THE PURPOSE OF DEFINING "RESIDENCY," THE TERMS "PHYSICAL PRESENCE," "CONTINUOUS," AND "YEAR" SHALL BE DEFINED IN THE REGULATIONS.

IV. (NAME OF JURISDICTION) REGULATORY BOARD OF PSYCHOLOGY

A. 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 TO ENFORCE THIS ACT.

B. DELEGATION OF DUTIES

THE DUTIES OF DETERMINING A PERSON'S INITIAL AND CONTINUING QUALIFICATIONS, COMPETENCE AND FITNESS TO PRACTICE PSYCHOLOGY, PROCEEDING AGAINST THE UNLAWFUL AND 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 SHALL BE HEREBY AUTHORIZED TO UTILIZE SUCH PERSONNEL AS NECESSARY INCLUDING, BUT NOT LIMITED TO: ATTORNEYS, INVESTIGATORS, HEARING OFFICERS, EXAMINERS, COURT REPORTERS, ADMINISTRATORS, AND OTHER SUPPORT PERSONNEL. THE BOARD MAY ALSO UTILIZE WHATEVER OTHER SERVICES IT DEEMS NECESSARY TO CARRY OUT ITS DUTIES, SUCH AS A CREDENTIALS VERIFICATION SERVICE.

C. 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 PROPERLY CONSTRUED TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF THIS JURISDICTION.

D. BOARD MEMBERSHIP

1. NUMBER

THE BOARD SHALL CONSIST OF ____LICENSED PSYCHOLOGISTS AND ____PUBLIC MEMBER(S). WHENEVER POSSIBLE, BOARD MEMBERS SHALL REFLECT DIVERSITY OVER A NUMBER OF DIMENSIONS SUCH AS PROFESSIONAL PRACTICE AREA, GEOGRAPHIC LOCATION, AND/OR CULTURE RELEVANT TO THE JURISDICTION.

2. QUALIFICATIONS

a) EACH PSYCHOLOGIST MEMBER MUST RESIDE IN THIS JURISDICTION, HAVE A CURRENT VALID LICENSE, AND HAVE BEEN LICENSED TO PRACTICE PSYCHOLOGY BY THIS JURISDICTION FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING HIS/HER APPOINTMENT~~S~~. EACH MUST BE FREE OF CONFLICTS OF INTEREST OR THE APPEARANCE OF SUCH CONFLICTS WITH REGARD TO HIS/HER DUTIES AS A BOARD MEMBER.

b) THE PUBLIC MEMBER(S) MUST RESIDE IN THIS JURISDICTION AND SHALL HAVE LIVED IN THE JURISDICTION FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING HIS/HER APPOINTMENT, AND SHALL HAVE NEVER BEEN A PSYCHOLOGIST, AN APPLICANT, 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 REGARD TO HIS/HER DUTIES AS A BOARD MEMBER.

3. TERM

THE TERM OF OFFICE SHALL BE FIVE YEARS, WITH PROVISIONS FOR REAPPOINTMENT FOR ONE ADDITIONAL TERM. TERMS OF SERVICE SHALL BE STAGGERED.

4. APPOINTMENT OF MEMBERS

a) THE MEMBERS OF THE BOARD SHALL BE APPOINTED OR ELECTED BY THE (NAME OF THE APPROPRIATE ENTITY). A BOARD MEMBER WHOSE TERM HAS EXPIRED MAY SERVE UNTIL SUCH TIME AS AN OFFICIAL APPOINTMENT OR ELECTION IS COMPLETE.

b) THE PSYCHOLOGIST MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE (NAME OF APPOINTING AUTHORITY) FROM NOMINEES SUBMITTED BY THE

(NAME OF THE JURISDICTION) PSYCHOLOGICAL ASSOCIATION, AND OTHER INTERESTED ORGANIZATIONS AND INDIVIDUALS.

c) FOR JURISDICTIONS WHERE PSYCHOLOGISTS ARE ELECTED TO THEIR BOARDS, THE ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE LAW AND RULES AND REGULATIONS OF THE BOARD.

5. **REMOVAL OF BOARD MEMBERS**

THE (NAME OF APPOINTING AUTHORITY) SHALL REMOVE ANY MEMBER FROM THE BOARD IF HE OR SHE:

a) CEASES TO BE QUALIFIED; OR

b) FAILS TO ATTEND THREE SUCCESSIVE BOARD MEETINGS OR MORE THAN 50% OF THE SCHEDULED BOARD MEETINGS IN A TWELVE MONTH PERIOD WITHOUT JUST CAUSE AS DETERMINED BY THE BOARD; OR

c) IS FOUND TO BE IN VIOLATION OF THIS ACT; OR

d) IS FOUND GUILTY OF A FELONY OR AN UNLAWFUL ACT INVOLVING MORAL TURPITUDE BY A COURT OF COMPETENT JURISDICTION; OR

e) IS FOUND GUILTY OF MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN RELATION TO HIS/HER BOARD DUTIES BY A COURT OF COMPETENT JURISDICTION.

E. BOARD MEETINGS

1. THE BOARD SHALL MEET ____ TIMES EACH YEAR AND AT SUCH ADDITIONAL MINIMUM OF TIMES AS MAY BE NECESSARY TO CARRY OUT THE DUTIES OF THE BOARD; AND
2. ANNUALLY THE BOARD SHALL ELECT A CHAIRPERSON AS WELL AS ANY OTHER OFFICERS NECESSARY TO CARRY OUT THE DUTIES OF THE BOARD; AND
3. A MAJORITY OF THE APPOINTED BOARD MEMBERS SHALL CONSTITUTE A QUORUM FOR PURPOSES OF CONDUCTING THE BUSINESS OF THE BOARD; AND
4. 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 APPOINTED OR ELECTED MEMBERS OF THE BOARD. ALL OTHER DECISIONS OF THE BOARD MAY BE MADE UPON A MAJORITY VOTE IF A QUORUM IS PRESENT.

F. 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.

V. Funding

A. Revenues

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

B. Setting Fees and Charges

The Board shall, from time to time, establish reasonable fees for applications, examinations, the issuance 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 applications, examinations, enforcement, and the cost of operations of the Board.

C. 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.

VI. Requirements for Licensure

A. General

An applicant for licensure shall be at least 21 years of age and of good moral character.

B. Education

An applicant for licensure must possess a doctoral degree from a

PSYCHOLOGY TRAINING PROGRAM, AS DEFINED IN THIS ACT AND THE RULES AND REGULATIONS OF THE BOARD. THE DOCTORAL PROGRAM MAY INCLUDE DISTANCE EDUCATION, BUT A MINIMUM OF ONE CONTINUOUS YEAR (AS DEFINED IN THE REGULATIONS) OF THE PROGRAM SHALL CONSIST OF RESIDENCY. PROGRAMS THAT USE PHYSICAL PRESENCE (AS DEFINED IN THE REGULATIONS), INCLUDING FACE-TO-FACE CONTACT FOR DURATIONS OF LESS THAN ONE CONTINUOUS YEAR, (E.G. MULTIPLE LONG WEEKENDS AND/OR SUMMER INTENSIVE SESSIONS) OR THAT USE VIDEO TELECONFERENCING OR OTHER ELECTRONIC MEANS AS A SUBSTITUTE FOR PHYSICAL PRESENCE AT THE INSTITUTION IN ORDER TO MEET THE RESIDENCY REQUIREMENT ARE DEEMED NOT TO BE ACCEPTABLE FOR LICENSURE.

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 DOCTORAL DEGREE IN PSYCHOLOGY, THE REQUIREMENTS FOR WHICH SHALL HAVE BEEN SUBSTANTIALLY SIMILAR TO THE REQUIREMENTS FOR A DOCTORAL DEGREE IN PSYCHOLOGY AS DEFINED IN THIS ACT.

C. EXPERIENCE

AN APPLICANT FOR LICENSURE MUST DEMONSTRATE THAT HE/SHE HAS COMPLETED TWO YEARS OF SUPERVISED PROFESSIONAL EXPERIENCE, ONE YEAR OF WHICH MAY BE AN INTERNSHIP PROGRAM, AND ONE YEAR OF WHICH SHALL BE POSTDOCTORAL. BOTH 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.

D. EXAMINATIONS

1. THE BOARD SHALL ESTABLISH RULES AND REGULATIONS REGARDING EXAMINATIONS.
2. AN APPLICANT FOR LICENSURE MUST PASS THE EXAMINATION FOR PROFESSIONAL PRACTICE IN PSYCHOLOGY (EPPP) AT THE ASPPB PASS POINT.
3. AN APPLICANT FOR LICENSURE MUST PASS ANY OTHER WRITTEN AND/OR ORAL EXAMINATION(S) PRESCRIBED BY THE BOARD IN ITS RULES AND REGULATIONS.
4. THE BOARD SHALL ESTABLISH RULES AND REGULATIONS REGARDING REEXAMINATION OF FAILED APPLICANTS.

E. Waiver of Requirement(s)

The Board may issue a license to any psychologist who has been licensed in another jurisdiction if it is the Board's determination that the psychologist was licensed under requirements equal to, or exceeding the requirements for licensure in this jurisdiction.

F. Master's Licensure

It is recognized that some jurisdictions license individuals to practice with a master's degree in psychology, and that such practice may be with or without supervision, depending on the jurisdiction. For those jurisdictions, the following language for master's level licensure is recommended:

> Subject to VI F (1) and F(2), nothing in this Act prohibits the Board from licensing individuals for the practice of psychology who have a master's degree in psychology acceptable to the Board and who have met any additional requirements as specified in the regulations.

For those jurisdictions that license at the master's level for supervised practice the "Subject to" sections would read as follows:

> VI F (1): Such individuals shall use the title "Psychological Associate".
>
> VI F (2): Such individuals shall work under the direct supervision of a psychologist licensed for practice in this jurisdiction.

For those jurisdictions that license at the master's level for unsupervised practice, the following "Subject to" sections would apply:

> VI F (1): Such individuals shall use the title "Psychological Associate".
>
> VI F (2): Such individuals shall restrict* their practice as outlined in the regulations.

** COMMENT: THERE MAY BE NO RESTRICTIONS ON PRACTICE IN SOME JURISDICTIONS IN WHICH CASE VI F (2) WOULD READ AS FOLLOWS:*

V I F (2): SUCH INDIVIDUALS SHALL BE SUBJECT TO ALL OF THE SAME RULES AND REGULATIONS AS APPLICABLE TO A LICENSED PSYCHOLOGIST UNDER THIS ACT.

G. ASPPB CERTIFICATE OF PROFESSIONAL QUALIFICATION IN PSYCHOLOGY (CPQ)

THE BOARD SHALL ACCEPT THE CERTIFICATE OF PROFESSIONAL QUALIFICATION IN PSYCHOLOGY (CPQ) ISSUED BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS OR ITS SUCCESSOR ORGANIZATION AS EVIDENCE THAT THE APPLICANT HAS MET THE REQUIREMENTS FOR LICENSURE EXCEPT FOR ANY LOCAL JURISDICTIONAL EXAMINATION(S).

H. PROVISIONAL LICENSURE

1. A *PROVISIONAL SUPERVISED LICENSE* IS ISSUED TO AN APPLICANT FOR PERMANENT LICENSURE WHO IS IN THE PROCESS OF COMPLETING THE POSTDOCTORAL SUPERVISED WORK EXPERIENCE REQUIREMENT UNDER THE SUPERVISION OF A LICENSED PSYCHOLOGIST FOR LICENSURE. THE APPLICANT SHALL HAVE MET ALL EDUCATIONAL REQUIREMENTS, INCLUDING A DOCTORAL DEGREE IN PSYCHOLOGY AS DEFINED IN VI -B OF THIS ACT AND PRE-DOCTORAL SUPERVISED EXPERIENCE, TO BE ELIGIBLE FOR A PROVISIONAL LICENSE.

   a) THE PROVISIONAL SUPERVISED LICENSE SHALL SET FORTH THAT THE LICENSEE'S PRACTICE SHALL BE SUBJECT TO SUPERVISION AND THAT THE LICENSE SHALL BE APPLICABLE ONLY TO WORK PERFORMED UNDER SUCH SUPERVISION.

   b) A PERSON PRACTICING WITH A PROVISIONAL SUPERVISED LICENSE IS SUBJECT TO THE RULES, REGULATIONS, STANDARDS OF PRACTICE, CODES OF ETHICS AND ANY OTHER GUIDELINES ADOPTED BY THE BOARD, AS WELL AS DISCIPLINARY ACTION BY THE BOARD.

   c) THE PROVISIONAL SUPERVISED LICENSEE MAY SIT FOR THE EPPP DURING THE POSTDOCTORAL SUPERVISION YEAR.

   d) THE BOARD SHALL ESTABLISH RULES AND REGULATIONS THAT SPECIFY THE TIME LIMITS OR CONDITIONS (E.G., FAILURE OF REQUIRED EXAMINATIONS)

UNDER WHICH THE PROVISIONAL SUPERVISED LICENSE SHALL BE WITHDRAWN.

2. SUBJECT TO THE RESTRICTIONS SET OUT BELOW, THE BOARD MAY ISSUE A PROVISIONAL INDEPENDENT LICENSE 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:

a) IN THE BOARD'S DETERMINATION THE REQUIREMENTS FOR LICENSURE IN THE FORMER JURISDICTION ARE EQUAL TO, OR EXCEED, THE REQUIREMENTS FOR LICENSURE IN THIS JURISDICTION; AND

b) THE APPLYING PSYCHOLOGIST MEETS THE REQUIREMENTS FOR ADMISSION TO THE EXAMINATION PROCESS IN THIS JURISDICTION; AND

c) THE APPLYING PSYCHOLOGIST IS NOT THE SUBJECT OF A PAST OR PENDING DISCIPLINARY ACTION IN ANOTHER JURISDICTION; AND

d) THE APPLYING PSYCHOLOGIST HAS NOT BEEN DENIED LICENSURE IN THIS JURISDICTION; AND

e) DENIAL OF LICENSURE TERMINATES THIS AUTHORIZATION.

VII. PROCEDURES FOR LICENSURE RENEWAL; REINSTATEMENT AND DEMONSTRATION OF CONTINUED PROFESSIONAL COMPETENCE

A. EACH PSYCHOLOGIST SHALL BE REQUIRED TO RENEW HIS/HER LICENSE ON A SCHEDULE AS ESTABLISHED BY THE BOARD.

B. EACH PSYCHOLOGIST LICENSED UNDER THE PROVISIONS OF THIS ACT SHALL NOTIFY THE BOARD OF ANY CHANGES TO HIS/HER MAILING ADDRESS OR EMPLOYMENT WITHIN 30 DAYS OF SUCH A CHANGE.

C. EACH PSYCHOLOGIST SHALL PAY THE LICENSE RENEWAL FEE ON A SCHEDULE ESTABLISHED BY THE BOARD. EACH PSYCHOLOGIST ALSO SHALL MEET ALL CONTINUING PROFESSIONAL DEVELOPMENT, QUALITY ASSURANCE AND/OR COMPETENCY-BASED

REQUIREMENTS ANY OTHER PROVISIONS REGARDING RENEWAL PURSUANT TO THE BOARD'S RULES AND REGULATIONS.

D. FAILURE TO COMPLY WITH ALL RENEWAL REQUIREMENTS WITHIN THE TIME PERIOD PRESCRIBED BY THE BOARD SHALL BE CAUSE FOR THE LICENSE TO LAPSE.

E. FAILURE TO MEET ALL REQUIREMENTS FOR REACTIVATION OF AN INACTIVE LICENSE SHALL BE CAUSE FOR THE LICENSE TO LAPSE.

F. THE PSYCHOLOGIST MAY HAVE HIS/HER FORMER LICENSE REINSTATED UPON PAYMENT OF ACCRUED ANNUAL FEES AND LATE PENALTIES AND UPON COMPLIANCE WITH ALL REQUIREMENTS AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE BOARD.

G. IN THE EVENT A PSYCHOLOGIST IS ALLEGED TO HAVE VIOLATED ANY OF THE PROHIBITIONS ON PROFESSIONAL CONDUCT FOUND IN SECTION XIII 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. THE BOARD SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING THE MINIMUM CRITERIA FOR THE APPROVAL OF CONTINUING PROFESSIONAL DEVELOPMENT PROGRAMS, QUALITY ASSURANCE AND COMPETENCY-BASED REQUIREMENTS REQUIRED FOR RENEWAL OF A LICENSE AND SHALL APPROVE CONTINUING PROFESSIONAL DEVELOPMENT PROGRAMS AND COURSES IN ACCORDANCE WITH THE ESTABLISHED CRITERIA.

VIII. PRIOR LICENSURE

A PERSON WHO IS LICENSED AS A PSYCHOLOGIST UNDER THE PROVISIONS 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 PROVISIONS OF THIS ACT.

IX. TEMPORARY AUTHORIZATION TO PRACTICE

A. AN INDIVIDUAL LICENSED TO PRACTICE PSYCHOLOGY AT THE DOCTORAL LEVEL IN ANOTHER JURISDICTION MAY PRACTICE PSYCHOLOGY IN THIS JURISDICTION WITHOUT APPLYING FOR A LICENSE SO LONG AS THE FOLLOWING REQUIREMENTS ARE MET:

1. THE INDIVIDUAL PROVIDES VERIFICATION OF A VALID INTERJURISDICTIONAL PRACTICE CERTIFICATE (IPC) ISSUED BY ASPPB

   OR

2. IF AN INDIVIDUAL DOES NOT HOLD AN IPC, AT LEAST ____ DAYS BEFORE THE INTENDED PRACTICE, THE INDIVIDUAL SHALL COMPLY WITH REQUIREMENTS AS DEFINED IN THE RULES AND REGULATIONS OF THE BOARD

B. TEMPORARY AUTHORIZATION TO PRACTICE SHALL BE FOR 30 DAYS PER CALENDAR YEAR, AND MAY BE EXTENDED AT THE DISCRETION OF THE BOARD AND ACCORDING TO THE RULES AND REGULATIONS.

C. SUCH TEMPORARY AUTHORIZATION TO PRACTICE IS LIMITED TO INDIVIDUALS WHO ARE NOT CURRENTLY SEEKING LICENSURE IN THIS JURISDICTION.

D. SUCH TEMPORARY AUTHORIZATION TO PRACTICE MAY BE WITHDRAWN AT ANY TIME BY THE BOARD UPON EVIDENCE OF A VIOLATION OF STATUTE, RULES OR CODE OF CONDUCT.

E. AN INDIVIDUAL LICENSED TO PRACTICE PSYCHOLOGY IN ANOTHER JURISDICTION WHO IS PROVIDING SERVICES IN RESPONSE TO A DECLARED DISASTER OR STATE OF EMERGENCY MAY PRACTICE PSYCHOLOGY IN THIS JURISDICTION FOR NO MORE THAN 60 DAYS PER YEAR WITHOUT APPLYING FOR A LICENSE UPON PROPER NOTIFICATION IN THE MANNER REQUIRED BY THE BOARD.

X. SCOPE AND LIMITATION OF PRACTICE

A. DEMONSTRATED AREAS OF COMPETENCE

THE LICENSEE SHALL 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 DEMONSTRATED

AREAS OF COMPETENCE AS DOCUMENTED BY RELEVANT PROFESSIONAL EDUCATION, TRAINING, AND EXPERIENCE.

B. INACTIVE LICENSURE STATUS

A LICENSEE IN GOOD STANDING WHO WILL NOT BE PRACTICING IN THIS JURISDICTION FOR AT LEAST ONE (1) YEAR BUT NO LONGER THAN THREE (3) YEARS, MAY PETITION THE BOARD TO HAVE HIS/HER LICENSE PLACED ON INACTIVE STATUS WITHOUT PENALTY. WHEN SUCH LICENSEE WISHES TO RETURN TO PRACTICE, AN APPLICATION SHALL BE MADE TO THE BOARD, WHICH SHALL REACTIVATE HIS/HER LICENSE UPON PAYMENT OF THE REGISTRATION FEE, PROOF OF NO VIOLATION OF APPLICABLE STATUTES AND/OR RULES AND REGULATIONS, AND PROOF OF MEETING CONTINUING PROFESSIONAL DEVELOPMENT, QUALITY ASSURANCE AND COMPETENCY-BASED REQUIREMENTS AS STIPULATED BY THE BOARD.

IF MORE THAN THREE (3) YEARS HAVE PASSED, THE BOARD MAY REQUEST THE LICENSEE MEET ADDITIONAL REQUIREMENTS BEFORE REACTIVATING THE LICENSE OR MAINTAINING INACTIVE LICENSURE STATUS. IF THE ADDITIONAL REQUIREMENTS HAVE NOT BEEN MET, THE LICENSE SHALL LAPSE.

C. PRESCRIPTIVE AUTHORITY (FOR THOSE JURISDICTIONS THAT CHOOSE TO GRANT PRESCRIPTIVE AUTHORITY TO PSYCHOLOGISTS, THE FOLLOWING LANGUAGE IS RECOMMENDED)

1. UNLESS THE LAW IS TO THE CONTRARY, THE PRACTICE OF PSYCHOLOGY SHALL INCLUDE THE PRESCRIPTION AND ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS WITHIN THE SCOPE OF PRACTICE OF THE PROFESSION.
2. A PSYCHOLOGIST WHO PRESCRIBES AND ADMINISTERS PSYCHOTROPIC MEDICATIONS SHALL BE REQUIRED TO MEET THE STANDARDS FOR TRAINING ESTABLISHED BY THE BOARD.
3. THE PSYCHOLOGY BOARD SHALL MAINTAIN REGULATORY AUTHORITY OVER THE PRACTICE OF ANY PSYCHOLOGIST WHO PRESCRIBES AND ADMINISTERS PSYCHOTROPIC MEDICATIONS.

XI. EXEMPTIONS

A. 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 a psychologist who is exempt from licensure by this Act provided that the individual discloses to the court or adjudicative body that he/she is not a licensed psychologist. Persons holding an earned doctoral degree in psychology from an institution of higher education and who are not licensed may use the title academic psychologist, research psychologist, experimental psychologist or similar term in conjunction with the activities permitted in this subsection.

B. Other Licensed Professionals

Nothing in this Act shall be construed to prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this jurisdiction from rendering services consistent with their professional training and code of ethics, provided that they do not represent themselves to be, or their services as to include the practice of psychology.

C. 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 psychologists, or their services as to include the practice of psychology.

D. School Psychologists

Nothing in this Act shall be construed to limit the authority of the (state or provincial) agency or department responsible for regulating public education to credential individuals to provide psychological services as

LONG AS INDIVIDUALS SO CREDENTIALED ARE LIMITED TO PRACTICE WITHIN SETTINGS UNDER THE AUTHORITY AND PURVIEW OF THE (STATE OR PROVINCIAL) EDUCATION AGENCY. SUCH INDIVIDUALS MAY USE THE TITLE "SCHOOL PSYCHOLOGIST" OR ANOTHER TITLE INCLUDING THE TERM PSYCHOLOGY OR PSYCHOLOGICAL (E.G., SCHOOL PSYCHOLOGY SPECIALIST) BUT MAY NOT USE THE TITLE "PSYCHOLOGICAL ASSOCIATE" OR "LICENSED PSYCHOLOGIST" OR ANY OTHER EQUIVALENT TERM AS DEFINED IN III- M AND III – T OF THIS ACT. INDIVIDUALS SO CREDENTIALED MAY ONLY PROVIDE PSYCHOLOGICAL SERVICES AS DEFINED IN THIS ACT IN SETTINGS UNDER THE AUTHORITY AND PURVIEW OF THE (STATE OR PROVINCIAL) EDUCATION AGENCY AND ONLY AS EMPLOYEES OF SUCH SETTINGS AND NOT AS INDEPENDENT CONTRACTORS TO SUCH SETTINGS.

E. GRADUATE STUDENTS, INTERNS, AND ASSISTANTS

NOTHING IN THIS ACT SHALL BE CONSTRUED TO PREVENT PERSONS AS SET OUT IN 1. THROUGH 3. OF THIS SECTION 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 A LICENSED PSYCHOLOGIST IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE BOARD.

1. 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;
2. AN UNLICENSED INDIVIDUAL PURSUING POSTDOCTORAL TRAINING OR EXPERIENCE IN PROFESSIONAL PSYCHOLOGY, INCLUDING PERSONS SEEKING TO FULFILL THE REQUIREMENTS FOR LICENSURE UNDER THE PROVISIONS OF THIS ACT; OR
3. A QUALIFIED PSYCHOLOGICAL ASSISTANT EMPLOYED BY, OR OTHERWISE DIRECTLY ACCOUNTABLE TO, A LICENSED PSYCHOLOGIST. THE BOARD, IN ITS RULES AND REGULATIONS, SHALL ESTABLISH THE QUALIFICATIONS FOR USE OF THE TITLE "PSYCHOLOGICAL ASSISTANT," THE NUMBER OF PSYCHOLOGICAL ASSISTANTS THAT A PSYCHOLOGIST MAY EMPLOY, AND THE CONDITIONS UNDER WHICH THEY SHALL BE SUPERVISED.

XII. Grounds for Denial, Suspension or Revocation of Licenses and other Disciplinary Sanctions

A psychologist, and anyone under his/her supervision, shall conduct his/her professional activities in conformity with the ASPPB Code of Conduct and all other ethical and professional standards promulgated by the Board under its rules and regulations.

The Board shall have the power and duty to deny, suspend, place on probation, and/or require remediation for any psychologist for a specified period of time, to be determined at the discretion of the Board, or to revoke any license to practice psychology or to impose other disciplinary sanctions, including administrative fines and the costs of disciplinary actions; or to take any other action specified in the rules and regulations 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:

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

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

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

D. 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) or any offense of moral turpitude;

E. 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;

F. HARASSMENT, INTIMIDATION, OR ABUSE, SEXUAL OR OTHERWISE, OF A CLIENT OR PATIENT;

G. SEXUAL INTERCOURSE OR OTHER SEXUAL CONTACT WITH A CURRENT CLIENT OR PATIENT;

H. SEXUAL INTERCOURSE OR OTHER SEXUAL CONTACT WITH FORMER PATIENTS OR CLIENTS IN VIOLATION OF THE CODE OF CONDUCT;

I. 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;

J. GROSS OR REPEATED MALPRACTICE, OR GROSS NEGLIGENCE IN THE UNLAWFUL PRACTICE OF PSYCHOLOGY;

K. AIDING OR ABETTING THE PRACTICE OF PSYCHOLOGY BY ANY PERSON NOT LICENSED BY THE BOARD;

L. CONVICTION OF FRAUD IN FILING MEDICARE OR MEDICAID CLAIMS OR IN FILING CLAIMS TO ANY THIRD PARTY PAYER (A COPY OF THE RECORD OF CONVICTION, HAVING BEEN CERTIFIED BY THE CLERK OF THE COURT ENTERING THE CONVICTION, SHALL BE CONCLUSIVE EVIDENCE);

M. EXERCISING UNDUE INFLUENCE IN SUCH A MANNER AS TO EXPLOIT THE CLIENT, PATIENT, STUDENT, OR SUPERVISEE FOR FINANCIAL OR OTHER PERSONAL ADVANTAGE TO THE PRACTITIONER OR A THIRD PARTY;

N. IMPOSITION OF A SANCTION OR OTHER ACTION IN ANOTHER JURISDICTION, SUCH AS BUT NOT LIMITED TO:

1. SUSPENSION OR REVOCATION OR OTHER DISCIPLINARY ACTION OF A LICENSE TO PRACTICE PSYCHOLOGY;
2. DENIAL OF THE RIGHT OR PRIVILEGE TO PRACTICE PSYCHOLOGY;

3. DENIAL OR REVOCATION OF THE RIGHT OR PRIVILEGE TO PRACTICE ON A TEMPORARY BASIS WITHOUT A LICENSE; OR
4. DENIAL OR REVOCATION OF THE RIGHT OR PRIVILEGE TO PRACTICE ON AN ELECTRONIC OR TELEPHONIC MEANS WITHOUT A LICENSE

A CERTIFIED COPY OF THE RECORD OF THE ACTION OR SANCTION OF THE JURISDICTION TAKING SAID ACTIONS SHALL BE CONCLUSIVE EVIDENCE THEREOF;

O. REFUSAL TO COMPLY WITH ANY WRITTEN ORDER OF THE BOARD;

P. MAKING ANY FRAUDULENT OR UNTRUE STATEMENT TO THE BOARD;

Q. VIOLATION OF THE ASPPB CODE OF CONDUCT OR OTHER STANDARDS ADOPTED IN THE RULES AND REGULATIONS OF THE BOARD;

R. VIOLATION OF A RULE OR REGULATION PROMULGATED BY THE BOARD;

S. INABILITY TO PRACTICE PSYCHOLOGY WITH REASONABLE SKILL AND SAFETY TO CLIENTS OR PATIENTS BY REASON OF ILLNESS, MISUSE OF DRUGS, NARCOTICS, ALCOHOL, CHEMICALS, OR ANY OTHER SUBSTANCE, OR AS A RESULT OF ANY MENTAL OR PHYSICAL CONDITION;

T. FAILING TO COOPERATE WITH OR TO RESPOND PROMPTLY, COMPLETELY, AND HONESTLY TO THE BOARD; AND/OR

U. REFUSING TO APPEAR BEFORE THE BOARD AFTER HAVING BEEN ORDERED TO DO SO IN WRITING BY THE CHAIR/ PRESIDENT.

XIII. BOARD HEARINGS AND INVESTIGATIONS

A. INVESTIGATIONS

1. 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. ANY CHARGE FILED BY THE BOARD AGAINST A PSYCHOLOGIST LICENSED TO PRACTICE IN THIS JURISDICTION MUST BE FILED WITHIN 2 YEARS FROM THE DATE ON WHICH THE BOARD DISCOVERS THE ALLEGED ACT OR OMISSION THAT IS THE BASIS FOR THE DISCIPLINARY ACTION.
3. ONCE THE CHARGES HAVE BEEN ESTABLISHED, UNLESS OTHERWISE RESOLVED BY THE BOARD, A HEARING MUST BE SCHEDULED (BUT MAY NOT NECESSARILY OCCUR) WITHIN 12 MONTHS.

B. 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.

C. BOARD HEARINGS

1. ANY HEARING CONDUCTED BY THE BOARD SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE JURISDICTION'S ADMINISTRATIVE PROCEDURES ACT.
2. THE BOARD SHALL INFORM THE PSYCHOLOGIST THAT HE/SHE HAS DUE PROCESS RIGHTS AS DEFINED BY THE ADMINISTRATIVE PROCEDURES ACT OR THE LAW AND RULES AND REGULATIONS OF THE BOARD.

D. WAIVER

THE LICENSEE MAY WAIVE ANY OR ALL OF HIS OR HER RIGHTS TO A FORMAL ADJUDICATORY PROCEEDING.

E. 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.

F. Emergency Suspension

The Board may temporarily suspend the license of a psychologist without a hearing simultaneously with the institution of proceedings for a hearing provided under this section if the Board finds that evidence in its possession indicates that the psychologist's continuation in practice may constitute an immediate danger to the public.

G. Injunctive Relief

The Board, or a representative thereof, shall be hereby authorized to petition a court of general jurisdiction in this jurisdiction for injunctive relief if such shall be 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.

Determination of Mental or 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 clients or patients, 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 a psychological examination by a psychologist designated by the Board to determine psychological status to practice or a physical examination by a physician designated by the Board to determine physical status to practice psychology. The expense of such an examination ordered by the Board shall be borne by the Board. The Board shall consider the findings and conclusions of such examination 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 GROUNDS FOR THE REVOCATION, SUSPENSION, OR LIMITATION OF THE LICENSE TO PRACTICE OR THE DENIAL OF THE APPLICATION TO PRACTICE PSYCHOLOGY IN THIS JURISDICTION.

ANY PSYCHOLOGIST WHOSE LICENSE TO PRACTICE IS DENIED, REVOKED, SUSPENDED, OR OTHERWISE LIMITED, OR ANY APPLICANT FOR A 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, ANY 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 EXAMINATIONS 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, THE REFUSAL TO RENEW OR SUSPENSION OF THE INDIVIDUAL'S LICENSE UNTIL SUCH AN EXAMINATION IS COMPLETED AND THE BOARD HAS MADE A DETERMINATION OF FITNESS TO PRACTICE WITH REASONABLE SKILL AND SAFETY.

H. REINSTATEMENT OF LICENSE

THE REFUSAL TO RENEW A LICENSE OR THE 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.

I. 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 AND ACCEPTANCE BY THE BOARD SHALL CONSTITUTE ACKNOWLEDGMENT BY THE PSYCHOLOGIST OF GUILT AS CHARGED AND IS CONSIDERED A PUBLIC AND REPORTABLE DISCIPLINARY ACTION. SUCH SURRENDER SHALL NOT RESCIND THE JURISDICTION OF THE BOARD TO PROCEED TO A FORMAL ADJUDICATION OF THE MATTER.

J. DUTY TO REPORT

1. THE BOARD HAS AN AFFIRMATIVE DUTY TO REPORT ANY ACTION TAKEN AGAINST A LICENSEE WHICH FINDS A VIOLATION OF A STATUTE OR REGULATION THAT IS A MATTER OF PUBLIC RECORD TO:

   a) THE HEALTHCARE INTEGRITY AND PROTECTION DATA BANK (HIPDB); AND

   b) THE ASPPB DISCIPLINARY DATA SYSTEM (DDS);

2. A PSYCHOLOGIST WHOSE LICENSE HAS BEEN ACTIVELY SUSPENDED OR REVOKED SHALL NOTIFY:

   a) ALL ACTIVE CLIENTS/PATIENTS, IN WRITING, OF THE BOARD ACTION; AND

   b) THE BOARD, ONCE ALL NOTIFICATIONS TO CLIENTS/PATIENTS HAVE BEEN MADE.

3. A PSYCHOLOGIST SHALL NOTIFY ALL BOARDS WHERE HE/SHE IS LICENSED OR IN THE PROCESS OF BECOMING LICENSED, OF ANY PUBLIC DISCIPLINARY ACTIONS.

XIV. APPEALS

ANY PSYCHOLOGIST, OR APPLICANT FOR LICENSURE AS A PSYCHOLOGIST, WHOSE LICENSE TO PRACTICE IS DENIED, REVOKED, SUSPENDED OR OTHERWISE LIMITED PURSUANT TO SECTION XII OR XIII OF THIS ACT SHALL HAVE THE RIGHT TO APPEAL THE ACTION OF THE BOARD PURSUANT TO THE PROVISIONS OF THIS JURISDICTION'S ADMINISTRATIVE PROCEDURES ACT.

XV. Privileged Communication

A. General

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

B. Judicial Proceedings

In judicial proceedings, whether civil, criminal, or juvenile; in legislative and administrative proceedings; and in proceedings preliminary and ancillary thereto, a client or patient, or his/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 client/patient to be so licensed, and their agents, students, interns, and trainees under the supervision of a licensed psychologist, 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 client's/patient's behalf.

C. Exceptions

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

1. where abuse or harmful neglect of children, the elderly, or disabled or incompetent individuals is known or reasonably suspected;
2. where the validity of a will of a former client or patient is contested;
3. where such information is necessary for the psychologist to defend against a malpractice action brought by the client or patient;
4. where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;

5. WHERE AN IMMEDIATE THREAT OF SELF-INFLICTED DAMAGE IS DISCLOSED TO THE PSYCHOLOGIST;
6. WHERE THE CLIENT OR PATIENT, BY ALLEGING MENTAL OR EMOTIONAL DAMAGES IN LITIGATION, PUTS HIS OR HER MENTAL STATE AT ISSUE;
7. WHERE THE CLIENT OR PATIENT IS EXAMINED PURSUANT TO COURT ORDER;
8. WHEN THE PURPOSE OF THE PROCEEDING 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; OR
9. IN THE CONTEXT OF INVESTIGATIONS AND HEARINGS BROUGHT BY THE CLIENT OR PATIENT AND CONDUCTED BY THE BOARD, WHERE VIOLATIONS OF THIS ACT ARE AT ISSUE.

XVI. 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.

XVII. 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.