

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1063

Short Title: Amend Psychology Practice Act.

(Public)

Sponsors: Representatives Berry; Gardner, Hiatt, Preston, Russell, Sherrill, and G. Wilson.

Referred to: Rules, Calendar and Operations of the House.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PSYCHOLOGY PRACTICE ACT AND RELATED
3 STATUTES.

4 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

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

23 **"§ 90-270.6. Psychology Board; appointment; term of office; composition.**

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

1 remainder of the unexpired term, if any. Each Board member shall serve until his or her
2 successor has been appointed. As the term of a member expires, or if one should become
3 vacant for any reason, the Governor shall appoint a new member within 60 days of the
4 vacancy's occurring. No member, either public or licensed under this Article, shall serve
5 more than three complete consecutive terms."

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

7 "**§ 90-270.11. Licensure; examination; foreign graduates.**

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

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

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

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

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

28 (4) Has ~~had at least two~~ completed the required years of acceptable and
29 appropriate supervised experience germane to his or her training and
30 intended area of practice as a psychologist as specified in G.S. 90-
31 270.5(d).

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

40 (b) Licensed Psychological Associate. –

41 (1) The Board shall issue a permanent license to practice psychology to any
42 applicant who pays an application fee and any applicable examination
43 fee as specified in G.S. 90-270.18(b), who passes an examination in

1 psychology as prescribed by the Board, and who submits evidence
2 verified by oath and satisfactory to the Board that he or she:

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

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

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

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

36 Section 6. G.S. 90-270.20 reads as rewritten:

37 "**§ 90-270.20. Provision of health services; certification as health services provider.**

38 (a) Health services, as defined in G.S. 90-270.2(4) and G.S. 90-270.2(8), may be
39 provided by qualified licensed psychological associates, qualified licensed psychologists
40 holding provisional, temporary, or permanent licenses, or qualified applicants. Qualified
41 licensed psychological associates, qualified licensed psychologists holding provisional or
42 temporary licenses, or qualified applicants may provide health services only under
43 supervision as specified in the duly adopted rules of the Board.

1 (b) ~~After January 1, 1995, any~~ Any licensed psychologist who is qualified by
2 education, who holds permanent licensure ~~and a doctoral degree,~~ licensure, and who
3 provides or offers to provide health services to the public must be certified as a health
4 services provider psychologist (HSP-P) by the Board. The Board shall certify as health
5 services provider psychologists those applicants who ~~shall demonstrate at least two years~~
6 ~~of acceptable supervised health services experience, of which at least one year is~~
7 ~~postdoctoral experience as a psychologist with a doctoral degree, at least one year of~~
8 which is postdoctoral, or at least four years of acceptable supervised health services
9 experience as a psychologist with a masters or specialist degree. The Board shall specify
10 the format, setting, content, and organization of the supervised health services experience
11 or program. The Board may, upon verification of supervised experience and the meeting
12 of all requirements as a licensed psychologist, issue the license and certificate
13 simultaneously. An application fee, as specified in G.S. 90-270.18(b)(9), must be paid.

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

19 (d) ~~After January 1, 1995, any~~ Any licensed psychologist holding a provisional
20 license who is qualified by education may be granted certification as a health services
21 provider psychologist (provisional) (HSP-PP) by the Board. The Board may, upon
22 verification of qualifications and the meeting of all requirements for a provisional license,
23 issue the license and certificate simultaneously. An application fee, as specified in G.S.
24 90-270.18(b)(9), must be paid.

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

- 33 (1) ~~The applicant is a diplomate in good standing of the American Board of~~
34 ~~Professional Psychology in any of the areas of professional practice~~
35 ~~deemed appropriate by the Board;~~
- 36 (2) ~~The applicant has the equivalent of two years of acceptable full-time~~
37 ~~experience, one of which was postdoctoral, at sites where health~~
38 ~~services are provided;~~
- 39 (3) ~~The applicant submits evidence satisfactory to the Board demonstrating~~
40 ~~that he or she has been engaged acceptably for the equivalent of at least~~
41 ~~two years full-time in the provision of health services; or~~
- 42 (4) ~~Any other conditions that the Board may deem acceptable.~~

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

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

10 Section 7. G.S. 135-40.7A(c) reads as rewritten:

11 "(c) Notwithstanding any other provision of this Part, provisions for benefits for
12 necessary care and treatment of chemical dependency under this Part shall provide for
13 benefit payments for the following providers of necessary care and treatment of chemical
14 dependency:

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

17 a. ~~Chemical dependency units in facilities licensed after October 1,~~
18 ~~1984; October 1, 1984.~~

19 b. ~~Medical units; units.~~

20 c. ~~Psychiatric units; and units.~~

21 (2) ~~The following facilities licensed after July 1, 1984, under Article 2 of~~
22 ~~General Statutes Chapter 122C; Chapter 122C of the General Statutes:~~

23 a. ~~Chemical dependency units in psychiatric hospitals; hospitals.~~

24 b. ~~Chemical dependency hospitals; hospitals.~~

25 c. ~~Residential chemical dependency treatment facilities; facilities.~~

26 d. ~~Social setting detoxification facilities or programs; programs.~~

27 e. ~~Medical detoxification facilities or programs; and programs.~~

28 (3) ~~Duly licensed physicians and duly licensed practicing psychologists,~~
29 ~~licensed psychological associates, certified clinical social workers,~~
30 ~~licensed professional counselors, certified fee-based practicing pastoral~~
31 ~~counselors, certified clinical specialists in psychiatric and mental health~~
32 ~~nursing, and certified professionals working under the direct supervision~~
33 ~~of such physicians or psychologists in facilities described in~~
34 ~~subdivisions (1) and (2) above of this subsection and in day/night~~
35 ~~programs or outpatient treatment facilities licensed after July 1, 1984,~~
36 ~~under Article 2 of General Statutes Chapter 122C; Chapter 122C of the~~
37 ~~General Statutes.~~

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

41 Section 8. G.S. 135-40.7B(c) reads as rewritten:

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

- 1 (1) Licensed ~~psychiatrists;~~ psychiatrists.
2 (2) Licensed ~~or certified doctors of psychology;~~ psychologists.
3 (2a) Licensed psychological associates.
4 (3) Certified clinical social ~~workers;~~ workers.
5 (3a) Licensed professional ~~counselors;~~ counselors.
6 (4) Psychiatric ~~nurses;~~ nurses.
7 (5) Other social workers under the direct employment and supervision of a
8 licensed psychiatrist or licensed ~~doctor of psychology;~~ psychologist.
9 ~~(6) Psychological associates with a master's degree in psychology under the~~
10 ~~direct employment and supervision of a licensed psychiatrist or licensed~~
11 ~~or certified doctor of psychology;~~
12 (7) Licensed psychiatric hospitals and licensed general hospitals providing
13 psychiatric treatment ~~programs;~~ programs.
14 (8) Certified residential treatment facilities, community mental health
15 centers, and partial hospitalization ~~facilities;~~ and facilities.
16 (9) Certified fee-based practicing pastoral counselors."
17 Section 9. The initial terms of new members added by Section 5 of this act
18 shall commence upon appointment and shall expire June 30, 2000. A member serving on
19 the Board as of the effective date of this act may complete that term of service.
20 Section 10. This act becomes effective October 1, 1997.