

# Model Act for Licensure and Registration of Psychologists



# ASPPB

Association of State and  
Provincial Psychology Boards

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## **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, ASPPB has 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. In order to recognize all licenses that may be granted under the authority of the psychology board, additional language has been drafted for psychological associates, behavior analysts and psychologists with prescriptive authority to supplement the ASPPB Model Act for Licensure and Registrations of Psychologists (MLRA).

## **MLRA-100 DECLARATION OF POLICY**

The practice of psychology in [name of jurisdiction] is hereby declared a professional practice affecting the public health, safety, and welfare, and is subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of psychology, as defined in this act, meet and receive the confidence of the public and that only qualified persons be permitted to engage in the practice of psychology in [name of jurisdiction]. This act shall be liberally construed to carry out these objectives and purposes.

It is further declared that the intent of this legislation is to regulate the psychology profession and will result in displacing competition by restricting licensure to practice within the defined scope as interpreted by the Board to applicants determined to be qualified under this act. It is declared that any such restriction on competition is outweighed by the broader interest in public protection. This legislation is intended to provide active jurisdictional oversight and supervision through the legislative enactment of this act, promulgation of enabling rules and regulations, [legal authority] appointment process of the Board members, legal representation by attorney’s general office or other

governmental agents, legislative appropriation of monies, periodic sunset review, application of ethics laws, mandatory board member training and judicial review where applicable.

## MLRA-200 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/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.

## MLRA-300 DEFINITIONS

### **A. ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS (ASPPB)**

The organization representing psychology licensing/registration boards within the United States and Canada.

### **B. ASPPB PSYCHOLOGY LICENSURE UNIVERSAL SYSTEM (PLUS)**

a service that ASPPB provides to participating psychology licensing boards that allows them to streamline their licensure process by providing an online application system for individuals who wish to apply for licensure, certification, or registration in any state, province, or territory in the United States or Canada that participate in the PLUS program.

### **C. BOARD**

The \_\_\_\_\_ [name of board or committee].

### **D. CERTIFICATE OF PROFESSIONAL QUALIFICATION IN PSYCHOLOGY (CPQ)**

The individual mobility credential issued by ASPPB and recognized by psychology licensing boards to facilitate licensure of a psychologist in another jurisdiction who has already been licensed for five (5) years or more as a psychologist, where such license is based on having obtained an earned doctoral degree, and has no record of any publicly reported disciplinary action against that license.

### **E. CERTIFICATION**

Any certification issued by this Board which comes under the regulatory authority of this Board.

### **F. CLIENT (ALSO KNOWN AS PATIENT)**

1. 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.
2. The individual or entity requesting the psychological services and not necessarily the recipient of those services (e.g., an evaluation that is court-ordered, requested by an attorney, an agency, administrative body or an

organization).

3. An organization such as a business corporation entity, community or government that receives services directed primarily to the organization, rather than to the individual associated with the organization.
4. 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:
  - a) Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships, or
  - b) 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.

#### **G. CODE OF CONDUCT**

The ASPPB Code of Conduct.

#### **H. COMPETENCE**

The integrated use by psychologists of knowledge, skills, attitudes, and values that are necessary to ensure the protection of the public in the professional practice of psychology.

#### **I. CONTINUING PROFESSIONAL DEVELOPMENT- PSYCHOLOGIST**

Continuing professional development (CPD) is an ongoing process of maintaining and enhancing 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 and is based on concepts of evidence-based practice and can be attained through a broad range of professional activities.

#### **J. DAY**

Any part of a 24-hour period (midnight to midnight) in which psychological services are rendered.

**K. DISCIPLINARY ACTION**

Any action taken by a licensing board which finds a violation of a statute or regulation that is a matter of public record.

**L. DISTANCE EDUCATION**

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.

**M. EXAMINATION FOR PROFESSIONAL PRACTICE IN PSYCHOLOGY (EPPP)**

A standardized examination used by psychology licensing boards as part of the process of evaluating the qualifications, knowledge and skills of applicants for licensure and certification and is developed and owned by the ASPPB.

**N. GENERAL APPLIED PROVIDER IN PSYCHOLOGY**

A psychologist with appropriate training and experience as defined in the regulations of this Board, who provides services outside health and behavior health fields for the purpose of enhancing individual and/or organizational effectiveness. This includes the provision of direct services to individuals and groups, for assessment and evaluation of personal abilities and characteristics for individual development, behavior change, and/or for making decisions about the individual; and may also include services to organizations that are provided for the benefit of the organization.

**O. HEALTH SERVICE PROVIDER IN PSYCHOLOGY**

A psychologist with appropriate training and experience as defined in the regulations of this Board who provides services within the health and behavioral health fields. This includes, but is not limited to, the delivery of direct and indirect preventive, diagnostic, assessment, and therapeutic intervention services to clients whose growth, adjustment, or functioning is actually impaired or is demonstrably at risk of impairment or the supervision of any of the above.

## **P. INSTITUTION OF HIGHER EDUCATION**

A university, professional school, or other institution of higher learning that:

1. In the United States, is regionally accredited by bodies approved by the United States Office of Education or the Council of Higher Education Accreditation (CHEA);
2. In Canada, a member of Universities Canada, formally known as Association of Universities and Colleges of Canada (AUCC); or
3. In other countries, is accredited by the respective official organization having such authority.

## **Q. INTERJURISDICTIONAL PRACTICE CERTIFICATE (IPC)**

The individual mobility credential issued by 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.

## **R. LICENSED**

Having a license issued by a psychology licensing board which grants the authority to engage in the practice of psychology as permitted by this act and the regulations of this Board. The terms registered, chartered, or any other term chosen by a jurisdiction used in the same capacity as licensed are considered equivalent terms.

## **S. PRACTICE OF PSYCHOLOGY**

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 clients regarding all available treatment options, including medication, integrated care with respect to provision of care for a specific client;
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;
7. Provision of services to organizations that are provided for the benefit of the organization and do not involve direct services to individuals, including but not limited to job analysis, attitude/opinion surveys, selection testing, group administration of standardized tests in which responses are mechanically scored and interpreted, selection validation studies, designing performance appraisal systems, training, organization design, advising management on human behavior in organizations, organizational assessment, diagnosis and intervention of organizational problems, and related services; and
8. 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.

**T. PROFESSIONAL RELATIONSHIP**

A mutually agreed upon relationship between a psychologist and client(s) established for the purpose of providing benefit to the client(s) through the application of the psychologist's professional expertise.

**U. PROVISIONAL LICENSE FOR INDEPENDENT PRACTICE**

Issued to an applicant for licensure who is currently licensed in another jurisdiction that permits independent practice in this jurisdiction during the application process.

**V. PROVISIONAL INDEPENDENT LICENSED PSYCHOLOGIST**

An individual who holds a provisional license for independent practice as defined in this act and the rules and regulations of this Board.

**W. PROVISIONAL LICENSE FOR SUPERVISED PRACTICE**

Issued to an applicant for licensure who is completing the postdoctoral supervised experience under the supervision of a licensed psychologist.

**X. PROVISIONAL SUPERVISED LICENSED PSYCHOLOGIST**

An individual who holds a provisional license for supervised practice as defined in this act and the regulations of this Board.

**Y. PSYCHOLOGIST**

A person licensed for autonomous practice of psychology in this or another jurisdiction who provides psychological services within their area of competence as a:

1. Health service provider in psychology who offers health and behavioral health related services as defined in the practice of psychology.
2. General applied provider in psychology who offers services outside health and behavioral health fields as defined in the practice of psychology.

The title “Psychologist” may not be used by professionals who are exempt from licensure under this act except as permitted under MRLA-1200 of this act.

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/she uses any term that implies that he/she possesses 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, corporate entities or other organizations.

## **Z. PSYCHOLOGY TRAINING PROGRAM**

1. Psychology training program for health service providers in psychology is a doctoral training program in an institution of higher education that:
  - a) Is a planned program of study which reflects an integration of science and practice of psychology including residency and supervised professional experience and/or internship and other requirements as set out in the regulations of this Board; and is accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA); or
  - b) For applicants receiving their terminal degrees prior to 2019 that do not meet MLRA-300.Z.1.a above:
    - i. Is a planned program of study which reflects an integration of the science and practice of psychology including residency and supervised professional experience and/or internship and other requirements as set out in the rules and regulations of this Board; and
    - ii. Was designated as a doctoral program in psychology by the joint designation committee of the ASPPB and the National Register of Health Service Psychologists.
2. Psychology training program for general applied providers in psychology is a doctoral training program in an institution of higher education that:
  - a) Is a planned program of study which reflects an integration of the

science and practice of psychology including residency and supervised professional practice and/or internship and other requirements as set out in the regulations of this Board; and

- i. Is accredited by the American Psychological Association (APA), or Canadian Psychological Association (CPA); or
- ii. For applicants receiving their terminal degrees prior to 2019 was designated as a doctoral program in psychology by the joint designation committee of the ASPPB and the National Register of Health Service Psychologists; or
- iii. Meets requirements that are substantially equivalent to MLRA-300.Z.2.a above as set out in the regulations of this Board.

#### **AA. RESIDENCY**

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 (1) 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 of this Board.

#### **BB. RESPECIALIZATION**

The process of completing additional education, training and experience defined in the rules and regulations of this Board that would permit an unlicensed person with an earned doctorate in an area of scientific psychology from a regionally accredited institution of higher education to fulfill the requirements for licensure under this act.

# MLRA-400 [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 enforce this act.

## **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 regulations of this Board. In order to carry out these delegated duties, the Board shall have the power and shall be 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.

## **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 in accordance with the jurisdiction's administrative procedures act. The Board may define specific areas of practice as needed and develop rules and regulations for licensure and practice in those areas. 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.

## **BOARD MEMBERSHIP**

### **1. Number**

- a) 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 culture relevant to the jurisdiction.

## 2. Qualifications

- a) Each psychologist member must reside in this jurisdiction, have a current, unencumbered and valid license, and have been licensed to practice psychology by this jurisdiction for at least five (5) years immediately preceding his/her appointment. 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 (5) years immediately preceding his/her appointment. Each must be free of conflicts of interest or the appearance of such conflicts with regard to his/her duties as a board member.

## 3. Term

- a) The term of office shall be five (5) years, with provisions for reappointment for one (1) additional term. Terms of service shall be staggered.

## 4. Appointment of Members

- a) In the United States:
  - i. The members of the Board shall be appointed by the [name of the appropriate entity].
  - ii. A board member whose term has expired may serve until such time as an official appointment is complete.
- b) In Canada:
  - i. Members of the Board shall be appointed by the [name of the appropriate entity] or elected by the [name of the appropriate entity] to their boards.
  - ii. A board member whose term has expired may serve until such time as an official appointment is complete.
  - iii. The election shall be conducted in accordance with the law and regulations of this Board.

5. Reimbursement

- a) 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 rules and regulations of this Board.

6. Removal of Board Members

- a) The [name of appointing authority] shall remove any member from the Board if he or she:
  - i. Ceases to be qualified; or
  - ii. 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
  - iii. Is found to be in violation of this act; or
  - iv. Is found guilty of a felony or an unlawful act involving moral turpitude by a court of competent jurisdiction; or
  - v. 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 shall be by majority vote.

## **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.

## **MRLA-500 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.

## **MRLA-600 REQUIREMENTS FOR LICENSURE**

### **A. GENERAL**

An applicant for licensure shall be at least the age of majority and of good moral character.

### **B. EDUCATION**

1. An applicant for licensure as a psychologist must possess a doctoral degree from a psychology training program, as defined in this act and the rules and regulations of this Board. The doctoral program may include distance education, but a minimum of one (1) continuous year as defined in the regulations of this Board of the program shall consist of residency. Programs that use physical presence as defined in the regulations of this Board, including face-to-face contact for durations of less than one (1) continuous year, (e.g. Multiple long weekends and/or summer intensive sessions) or that use video conferencing 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.

2. 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.
3. An applicant with an earned doctoral degree in scientific psychology from a regionally accredited institution of higher education may complete a program of respecialization as defined in the rules and regulations of this Board to fulfill additional requirements for licensure.

### **C. EXPERIENCE**

An applicant for licensure as a psychologist must demonstrate that he/she has completed two (2) years of supervised professional experience, one (1) year of which may be an internship program, and one (1) 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 rules and regulations of this Board.

### **D. EXAMINATIONS**

1. The Board shall establish rules and regulations regarding examinations.
2. An applicant for licensure must pass the EPPP at the ASPPB pass point.
3. An applicant for licensure must pass any other written and/or oral examination(s) prescribed by the rules and regulations of this Board.
4. The Board shall establish rules and regulations for the reexamination of any applicant who does not meet or exceed the pass point of any of the prescribed examinations.

### **E. CERTIFICATION**

An applicant for licensure must demonstrate that he/she has met requirements for certification as defined in the rules and regulations of this Board.

### **F. 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, certification or registration in this jurisdiction.

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

The Board shall accept the Certificate of Professional Qualification in Psychology (CPQ) issued by ASPPB as evidence that the applicant has met the requirements for licensure except for any local jurisdictional examination(s).

#### **H. RECIPROCITY**

The Board may enter into and implement agreements with other jurisdictions for the issuance of a license through reciprocity if the other jurisdiction's requirements for licensing, certification or registration are substantially equivalent to licensure requirements in this jurisdiction.

#### **I. PROVISIONAL LICENSURE**

##### **1. PROVISIONAL LICENSE FOR SUPERVISED PRACTICE**

The applicant for a provisional license for supervised practice shall have met all educational requirements, including a doctoral degree in psychology as defined in MLRA-600.

- a) The provisional license for supervised practice shall set forth that the psychologist'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 license for supervised practice 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) A person practicing with a provisional license for supervised practice must inform clients of his/her status and must use the title "provisional supervised licensed psychologist".
- d) The provisional supervised licensee may sit for the EPPP.
- e) 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. PROVISIONAL LICENSE FOR INDEPENDENT PRACTICE

A. Subject to the restrictions set out below, the Board may issue a provisional license for independent 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:

- a) In the Board's determination, the requirements for licensure in the other jurisdiction are equal to, or exceed, the requirements for licensure in this jurisdiction;
- b) The applying psychologist meets the requirements for admission to the examination process in this jurisdiction;
- c) The applying psychologist is not the subject of a past or pending disciplinary action or has a pending complaint in another jurisdiction;
- d) The applying psychologist has not been denied licensure in this or any other jurisdiction; and

B. Denial of licensure terminates this authorization.

## MLRA-700 LICENSURE STATUS; LICENSURE RENEWAL; REINSTATEMENT AND CONTINUING PROFESSIONAL DEVELOPMENT

- A. The Board shall establish rules and regulations regarding:  
Various licensure statuses including but not limited to active, inactive, retired and expired;
- 1. Licensure renewal;
  - 2. Reinstatement of licensure; and
  - 3. Continuing professional development (CPD).

- 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 change.

The Board retains regulatory authority over the psychologist regardless of the licensure status and can apply whatever sanctions or other disciplinary measures are appropriate for offenses committed by the psychologist under the regulations of this Board.

## MRLA-800 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. A person licensed under a prior version of an act must comply with the current act and all rules and regulations of this Board.

## MRLA-900 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 IPC issued by the 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 this Board.
- B. Temporary authorization to practice shall be for 30 cumulative days per calendar year and may be extended at the discretion of the Board and according to the regulations of this Board. The individual shall not establish an ongoing, regular, professional practice in this jurisdiction.
- C. Such temporary authorization to practice is limited to individuals who are not

currently seeking licensure in the jurisdiction.

Such temporary authorization to practice may be withdrawn at any time by the Board upon evidence of a violation of this act, the regulations of this Board or Code of Conduct.

## MRLA-1000 STATE OF EMERGENCY

A. Notwithstanding anything in this act and/or the rules and regulations, this Board may waive any requirements for licensure under this act or the regulations of this Board to allow a person who is authorized to practice psychology in another jurisdiction in the United States or Canada to practice psychology in this jurisdiction during an emergency, if the government gives the Board written notice of the following:

1. A public health emergency exists; and
2. the services of a psychologist from outside the jurisdiction are required to assist in dealing with the emergency.

## MRLA-1100 CODE OF CONDUCT

The Board shall use the Code of Conduct and/or other ethical codes to determine negligent practice, unethical practice, and/or practicing below the standard of care.

## MRLA-1200 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, families, groups, systems, and/or organizations 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. 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. INDIVIDUALS PROVIDING EXPERT TESTIMONY**

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.

**C. 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 “psychologists” or a variation or abbreviation or an equivalent in another form or to describe their services as to include the practice of psychology.

**D. BUSINESS CONSULTANTS, HUMAN RESOURCE PROFESSIONALS**

This act is for the regulation of the practice of psychology only and does not prevent human resource professionals, business consultants, and other persons from providing advice and counseling in their organizations or affiliated groups or to their companies and employees of their companies or from engaging in activities performed in the course of their employment.

**E. 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 to describe their services as to include the practice of psychology.

**F. 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 "licensed psychologist" or any other equivalent term as defined in MLRA-300. 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.

## **G. GRADUATE STUDENTS AND INTERNS**

Nothing in this act shall be construed to prevent persons as set out in G.1 and G.2 below from engaging in activities defined as the practice of psychology, provided that he/she is supervised in accordance with the rules and regulations of this Board. Such persons shall not represent themselves by the title "psychologist." Individuals training to be psychologists may use the terms "psychological trainee," "psychological intern," or "psychological resident," provided that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with the rules and regulations of this Board. This section applies to the following:

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, in order to fulfill the requirements for licensure under the provisions of this act.

## **MRLA-1300 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 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 payment of the costs of disciplinary actions; or to take any other action specified in the regulations of this Board whenever the Board shall find by a clear and convincing proof 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 under this act;
- B. Immoral, unprofessional, unethical, or dishonorable conduct as defined in the rules and regulations of this Board;
- C. Practicing under this act in such a manner as to endanger the welfare of clients;
- D. Conviction of a felony (a copy of the record of conviction, certified by the clerk of the court by 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 under this act with due regard for the health and safety of clients;
- F. Harassment, intimidation, or abuse, sexual or otherwise, of a client;
- G. Sexual intercourse or other sexual contact with a current client;
- H. Sexual intercourse or other sexual contact with former clients in violation of the Code of Conduct;
- I. Use of untruthful or deceptive or improbable statement concerning the psychologist's qualifications or the effects or results of proposed treatment;
- J. Functioning outside one's professional competence established by education, training and experience;
- K. Gross or repeated malpractice, or gross negligence of practice under this act;
- L. Aiding or abetting the practice of psychology by any person not licensed by the Board;
- M. 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);

- N. 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;
- O. 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 under this act;
  - 2. Denial of the right or privilege to practice under this act;
  - 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.
- P. Refusal to comply with any written order of the Board;
- Q. Making any fraudulent or untrue statement to the Board;
- R. Violation of the Code of Conduct or other standards adopted in the rules and regulations of this Board;
- S. Violation of a rule or regulation of this Board;
- T. Inability to practice under this act with reasonable skill and safety to 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;
- U. Failing to cooperate with or to respond promptly, completely, and honestly to the Board; and/or
- V. Refusing to appear before the Board after having been ordered to do so in writing by the chair/president.

## MRLA-1400 BOARD HEARING AND INVESTIGATIONS

### **A. CONFIDENTIALITY OF COMPLAINT INFORMATION**

A complaint and investigation concerning a license holder or applicant and all information and materials compiled by the Board in connection with the complaint and investigation are confidential unless disclosure is mandated by statute.



## **B. INVESTIGATIONS**

1. The Board may investigate or cause to be investigated any allegation or evidence that appears to show that a person is practicing under this act without a license.
2. The Board may investigate or cause to be investigated any psychologist under this act and/or anyone under his or her supervision who may be, in violation of this act or of any of the rules and regulations of this Board.
3. Any allegation filed by the Board against a psychologist under the authority of this act must be filed within two (2) years from the date on which the Board discovers the act or omission that is the basis for the allegation.
4. Once the charges have been filed, a hearing must be scheduled (but may not necessarily occur) within 12 months except upon a showing of good cause.

## **C. 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.

## **D. 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 this act and rules and regulations of this Board.

## **E. WAIVER**

The licensee may waive any or all of his/her rights to a formal adjudicatory proceeding.

## **F. 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 for failing to comply with a subpoena.

#### **G. EMERGENCY SUSPENSION**

The Board may temporarily suspend a license issued under the authority of this act 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. The Board shall adopt rules and regulations governing emergency suspension proceedings.

#### **H. INJUNCTIVE RELIEF**

The Board, or a representative thereof, shall be hereby authorized to petition a court of competent 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.

#### **I. DETERMINATION OF MENTAL, COGNITIVE OR PHYSICAL IMPAIRMENT**

When there is reasonable cause to believe that a psychologist or applicant is physically or mentally incapable of practicing under this act with reasonable skill and safety to clients, then:

1. 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) An examination by a psychologist or psychiatrist as designated by the Board to determine psychological, mental or cognitive capacity to practice; or
  - b) An examination by a physician designated by the Board to determine physical or cognitive capacity to practice under this act.
2. The Board shall consider the findings and conclusions of such examination and any other evidence or material that may be submitted by the psychologist or applicant in question or any other individual.
3. The Board shall then determine if the psychologist or applicant in question is qualified to practice under this act with reasonable skill and safety.
4. If the Board determines that the psychologist or applicant in question is not qualified to practice under this act 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 under

this act 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 the results 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 examinations are completed and the Board has made a determination of fitness to practice with reasonable skill and safety.

#### **J. REINSTATEMENT OF REVOKED 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.

#### **K. VOLUNTARY SURRENDER**

A psychologist may surrender his/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 guilty 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.

#### **L. 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 National Practitioner Data Bank (NPDB); and
  - b) The ASPPB Disciplinary Data System (DDS).
2. A psychologist whose license has been voluntarily surrendered, actively suspended or revoked shall notify:
- a) All active clients, systems, organizations and employers in writing, of the Board action; and
  - b) The Board, once all notifications to clients, systems, organizations and employers 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.

## MRLA-1500 APPEALS

Any psychologist, or applicant for licensure as a psychologist, whose license to practice is denied, revoked, suspended or otherwise limited pursuant to MLRA-1300 or MLRA-1400 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.

## MRLA-1600 PRIVILEGED COMMUNICATION

### A. 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.

### 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 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 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 on his/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 is contested;
3. Where such information is necessary for the psychologist to defend against a malpractice action brought by the client;
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, by alleging mental or emotional damages in litigation, puts his/her mental state at issue;
7. Where the client is examined pursuant to court order; when the purpose of the proceeding is to substantiate and collect on a claim for mental or emotional health services rendered to the client or any other cause of action arising out of the professional relationship; or
8. In the context of investigations and hearings brought by the client and conducted by the Board, where violations of this act are at issue.

### **MRLA-1700 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.

### **MRLA-1800 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.

## **PSYCHOLOGICAL ASSOCIATE**

If psychological associates are licensed, the following language is suggested for insertion in the appropriate sections of a model act. If no language is provided, the model act language should be used. For jurisdictions licensing psychological associates prior to the enactment of this act for autonomous practice, a grandparent provision should be considered.

### **DEFINITIONS**

#### **A. PRACTICE OF PSYCHOLOGY BY PSYCHOLOGICAL ASSOCIATES**

1. The practice of psychology by licensed psychological associates is under the supervision of psychologists. This practice is defined as the observation, description, evaluation, interpretation, and modification of human behavior through the application of psychological principles, methods, and procedures for the purposes of:
  - a) Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior;
  - b) 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 performances; or
  - c) Assisting in legal making decisions.
2. The supervised practice of psychology by psychological associates includes, but is not limited to:
  - a) Psychological testing and the evaluation or assessment of personal characteristics (e.g., intelligence; personality; cognitive, physical, and/or emotional abilities; skills; interests; aptitudes; and neuropsychological functioning);
  - b) Counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;
  - c) 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, disabled or incompetent individuals is known or reasonably suspected;
  - d) Psychoeducational assessment, evaluation, therapy, and

remediation;

- e) Consultation with other psychologists, physicians, other health care professionals and clients regarding all available treatment options, including medication, with respect to provision of care for specific client;
- f) 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
- g) Provisions of services to organizations that are provided for the benefit to organizations that are provided for the benefit of the organization and do not involve direct services to individuals, including but not limited to job analysis, attitude/opinion surveys, selection testing, group administration of standardized tests in which responses are mechanically scored and interpreted, selection validation studies, designing performance appraisal systems, training, organizational design, advising management on human behavior in organizations, organizational assessment, diagnosis and intervention of organizational problems, and related services.

## **B. PSYCHOLOGICAL ASSOCIATE**

A person licensed under this act and as further defined in the regulations of this Board for the supervised practice of psychology as described in A.1 above within their area of competence.

The title "psychological associate" may only be used by professionals who are licensed under this act.

## **C. REPRESENTATION AS A PSYCHOLOGICAL ASSOCIATE**

A person represents himself or herself to be "psychological associate" if that person uses the title "psychological associate" in a description of services offered or provided or in any description of services incorporating the supervised practice of psychology. No person unless authorized under this act shall represent himself or herself to be a "psychological associate" or engage in the supervised practice of psychology.

## [NAME OF JURISDICTION] REGULATORY BOARD OF PSYCHOLOGY

### **G. BOARD MEMBERSHIP**

#### **1. Number**

The Board shall consist of \_\_\_\_ licensed psychologists, \_\_\_\_ licensed psychological associate(s) 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**

Each psychological associate member must reside in this jurisdiction, have a current, unencumbered and valid license, and have been licensed for the supervised practice of psychology by this jurisdiction for at least five (5) years immediately preceding his/her appointment. Each must be free of conflicts of interest or the appearance of such conflicts with regard to his/her duties as a board member.

## REQUIREMENTS FOR LICENSURE

### **J. EDUCATION**

An applicant for licensure as a psychological associate must possess the minimum of a master's degree from a psychology training program, as defined in this act and the regulations of this Board. The graduate program may include distance education, but a minimum of one (1) continuous year (as defined in the regulations of this Board) of the program shall consist of residency. Programs that use physical presence (as defined in the regulations of this Board), including face-to-face contact for durations of less than one (1) continuous year, (e.g. multiple long weekends and/or summer intensive sessions) or that use video conferencing 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 master's degree in psychology the requirements of which shall have been substantially similar to the requirements for a master's degree as defined in this act.

### **K. EXPERIENCE**

An applicant for licensure as a psychological associate must demonstrate that he/she has completed supervised experience, as defined in the regulations of this Board.



## **L. PSYCHOLOGICAL ASSOCIATE LICENSURE**

1. Such individuals shall use the title “psychological associate”.
2. Such individuals shall work under the direct supervision of a psychologist licensed for autonomous practice in this jurisdiction.

## **EXEMPTIONS**

### **H. 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 psychologists, psychological associates, or describe their services as to include the practice of psychology.

### **I. 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 psychological associates, or to describe their services as to include the practice of psychology.

### **J. GRADUATE STUDENTS**

Nothing in this act shall be construed to prevent persons as set out in J.1 and 2 below of this section from engaging in activities defined as the practice of psychology, provided that he/she is supervised in accordance with the regulations of this Board. Such persons shall not represent themselves by the title “psychologist” or “psychological associate”. Such persons may use the term “psychological trainee,” provided that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with the regulations of this Board. This section applies to the following:

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; or
2. An unlicensed individual pursuing postgraduate training or experience in professional psychology in order to fulfill the requirements for licensure under the provisions of this act.

## BEHAVIOR ANALYST

If behavior analysts are licensed, the following language is suggested for insertion in the appropriate sections of a model act. If no language is provided, the model act language should be used.

### Preamble

Behavior analysis, applied behavior analysis, behavior therapy and other similar techniques were developed by psychologists and are modalities within the scope of practice of psychology. The practice of behavior analysis is to be regulated by the psychology board. Qualified psychologists are allowed to provide behavior analysis and to call the services they provide “behavior analysis” or “applied behavior analysis” without obtaining additional credentials or licensure but may not refer to themselves as a “licensed behavior analyst” unless they hold an additional license as a behavior analyst.

### DECLARATION OF POLICY

Behavior analysis 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 behavior analysis by unqualified persons and from unprofessional conduct by persons licensed to practice behavior analysis.

In so far as that behavior analysis falls under the definition of the practice of psychology thereby, the practice of behavior analysis shall be regulated under the authority of this act.

### 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 behavior analyst. 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 behavior analysis as defined in this act, whether practicing as individual, firm, corporation, agency or other entity unless exempt.

## DEFINITIONS

### **D. BEHAVIOR ANALYSIS TRAINING PROGRAM**

As defined in Requirements for Licensure Section B below and as further set out in the regulations of the Board.

### **E. BOARD**

The Board responsible for the licensure of behavior analysts.

### **F. LICENSED BEHAVIOR ANALYST**

An individual who by training, experience and examination meets the requirements for licensing by the Board and is duly licensed to practice behavior analysis. The distinction of a licensed behavior analyst is separate and apart from any other licensed individuals, including but not limited to psychologists.

Such individuals shall use the title “Licensed Behavior Analyst”.

### **G. PRACTICE OF BEHAVIOR ANALYSIS**

The design, implementation, and evaluation of systematic instructional and environmental modifications by a behavior analyst, to produce socially significant improvements in behavior.

Behavior analysis is one function within the practice of psychology, thus, the scope of practice for behavior analysis is limited to the following: Scope of practice of behavior analysis includes the empirical identification of functional relations between behavior and environments. It uses direct observation and measurement of behavior and environment, the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis. Behavior analysis interventions are based on scientific research and the direct observation and measurement of behavior and environment. Behavior analysis utilizes contextual factors, establishing operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

The practice of behavior analysis expressly excludes all other activities that fall within the scope of practice of psychology including but not limited to: psychological testing, neuropsychology, cognitive therapy, diagnosis of psychiatric or other mental health conditions, psychotherapy, sex therapy, psychoanalysis, hypnotherapy, and mental health counseling, providing organizational consultation or any other service deemed inappropriate by the Board.

## [NAME OF JURISDICTION] REGULATORY BOARD OF PSYCHOLOGY

### **A. BOARD MEMBERSHIP**

#### **1. Number**

The Board shall consist of \_\_\_\_ licensed psychologists, \_\_\_\_ licensed behavior analyst(s) 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**

Each behavior analyst member must reside in this jurisdiction, have a current valid license, and have been licensed to practice behavior analysis by this jurisdiction for at least five (5) years immediately preceding his/her appointment. Each must be free of conflicts of interest or the appearance of such conflicts with regard to his/her duties as a board member.

## REQUIREMENTS FOR LICENSURE

### **A. GENERAL**

An applicant for licensure as a behavior analyst shall be the age of majority and of good moral character.

### **B. EDUCATION**

An applicant for licensure as a behavior analyst must possess a minimum of a master's degree in applied health sciences from a training program, as defined in this act and the regulations of this Board. The graduate program may include distance education, but a minimum of one (1) continuous year residency is required as defined in the regulations of this Board. Programs that use physical presence, including face-to-face contact for durations of less than one (1) continuous year, (e.g. multiple long weekends and/or summer intensive sessions) or that use video conferencing 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 the degree in applied health sciences, the requirements for which shall have been substantially similar to the requirements for a master's degree in applied health sciences as defined in this act.

### **C. EXPERIENCE**

An applicant for licensure as a behavior analyst must demonstrate that he/she has completed supervised professional experience that is acceptable to the Board and comply with the specific guidelines set out in the regulations of this Board.

### **D. EXAMINATIONS**

1. The Board shall establish regulations regarding examinations.
2. An applicant for licensure as a behavior analyst must pass an examination as defined by the regulations of this Board.
3. An applicant for licensure as a behavior analyst must pass any other written and/or oral examinations(s) prescribed in the regulations of this Board.
4. The Board shall establish regulations regarding reexamination of applicants who do not meet or exceed the established passing score for the required examinations.

### **WAIVER OF REQUIREMENT(S)**

The Board may issue a license to any individual who has been licensed in another jurisdiction as a behavior analyst on the basis of a minimum of a master's degree in applied health sciences if it is the Board's determination that the individual was licensed under requirements equal to, or exceeding, the requirements for licensure of the jurisdiction.

## **PRIOR LICENSURE**

A person who is licensed as a behavior analyst 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.

## **PRACTICE WITHIN DEMONSTRATED AREAS OF COMPETENCE**

The licensed behavior analyst shall restrict his/her practice in accordance with this act.

## EXEMPTIONS

The provisions of this chapter shall not be construed as prohibiting or restricting any of the following:

- A.** A psychologist and his/her supervisees, who, based on his/her education, training, and experience from representing himself or herself as qualified to practice behavior analysis. A psychologist and their supervisees are prohibited from representing themselves as “licensed behavior analyst” without being duly licensed as a behavior analyst.
- B.** Other human service professionals who are licensed, certified, or registered by this jurisdiction, provided such individuals are working within the scope of practice, within the code of ethics of their profession and the scope of their training and competence.
- C.** State certified assistant behavior analyst or registered line technician who delivers applied behavior analysis services under the extended authority and direction of a licensed psychologist. Such certified assistant behavior analyst or registered line technician shall not represent himself/herself as a behavior analyst.
- D.** A family member or guardian of a recipient of applied behavior analysis services who implements certain applied behavior analysis procedures with that recipient under the extended authority and direction of a licensed behavior analyst, who is supervised by a licensed psychologist. Such an individual shall not represent himself/herself as a behavior analyst.
- E.** An individual who practices with nonhumans, including applied animal behaviorists and animal trainers.
- F.** An individual who provides general applied behavior analysis services to an organization, so long as those services are for the benefit of such organization and do not involve direct services to individuals.
- G.** A matriculated college or university student, intern, or postdoctoral fellow whose activities are part of a defined behavior analysis program of study, practicum, intensive practicum, or supervised independent fieldwork. Such practice under this exemption requires the direct supervision by a licensed psychologist or licensed behavior analyst in this jurisdiction or an instructor in an approved

course sequence approved by the Board. A student, intern, or postdoctoral fellow shall not represent himself as a behavior analyst and shall use a title that clearly indicates his/her training status, such as “behavior analysis student”, “behavior analysis intern”, “behavior analysis trainee”, or other title clearly indicating such training status.

- H.** An individual who teaches behavior analysis or conducts behavior analytic research, provided that such teaching or research shall not involve the delivery of direct behavior analytic services. Such individual may use the title “behavior analyst” but may not represent himself as a licensed behavior analyst unless he or she holds that credential issued by the Board.
- I.** An unlicensed individual pursuing experiential training in behavior analysis consistent with the licensure requirements and standards as required by the Board, provided such experience is supervised by a licensed psychologist or licensed behavior analyst.

## **PSYCHOLOGISTS WITH PRESCRIPTIVE AUTHORITY**

If prescribing psychologists are licensed, the following language is suggested for intersection in the appropriate sections of a model act. If no language is provided, the model act language should be used.

### **Preamble**

Psychologists are highly trained, health care professionals holding a doctorate with extensive training in the diagnosis and management of mental illness. Psychopharmacology training and experience is an extension of the training received by psychologists. Consultation on medication treatment and management is part of the scope of practice of psychologists. Specially trained psychologists safely provide pharmacotherapy to their clients as part of their practice. The following section defines model legislation for adding prescription privilege authority for those psychologists with specialized training in psychopharmacology.

## **DEFINITIONS**

### **A. BOARD**

Board is the Board responsible for the licensure of psychology.

### **B. BOARD OF PHARMACY**

Board of pharmacy refers to the relevant state board of pharmacy or comparable provincial/territorial authority in Canada.

### **C. CLINICAL EXPERIENCE**

Clinical experience is the required period of supervised clinical training and practice in which clinical diagnoses and interventions are learned and which are conducted and supervised as part of the training program completed by the psychologist seeking prescribing privileges.

### **D. CONTROLLED SUBSTANCE**

Any drug substance or immediate precursor enumerated in schedules 1-5 of the u.s. drug enforcement administration (dea) controlled substance act ([www.usdoj.gov/dea/agency/csa](http://www.usdoj.gov/dea/agency/csa)) and as adopted by the united states food, drug and cosmetic act; or by the pharmacy board; or by the pharmacy practice act.



## **E. DRUG**

Drug shall have the same meaning as that term is given in the “united states food, drug and cosmetic act, or by the pharmacy board; or by the pharmacy practice act.

## **F. PRESCRIPTION**

An order for a drug, laboratory test, or any medicine(s), device(s) or treatment(s), including (a) controlled substance(s) as defined by this jurisdiction’s law and signed by an authorized health care provider.

## **G. PRESCRIPTIVE AUTHORITY**

Prescriptive authority is the authority to prescribe, administer, discontinue, and/or distribute without charge, drugs or controlled substances recognized in or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, behavioral, or substance use disorders, or other procedures directly related thereto within the scope of practice of psychology in accordance with regulations of this Board.

# **[NAME OF JURISDICTION] REGULATORY BOARD OF PSYCHOLOGY**

## **BOARD MEMBERSHIP**

### **1. NUMBER**

The Board shall consist of \_\_\_licensed psychologists, \_\_\_prescribing psychologist(s) and \_\_\_public member(s). Whenever possible, board members shall reflect diversity over a number of dimensions such as professional practice area, geographic location, and culture relevant to the jurisdiction.

### **2. QUALIFICATIONS**

Each prescribing psychologist member must reside in this jurisdiction, have a current valid license issued by a board of psychology, and have been licensed to practice psychology by this jurisdiction for at least five (5) years immediately preceding his/her appointment. Each must be free of conflicts of interest or the appearance of such conflicts with regard to his/her duties as a board member.

# **CERTIFICATION**

## **A. PRESCRIPTIVE AUTHORITY**

Psychologists who exercise prescriptive authority shall meet all education, training, and experience requirements as set forth in regulations of this Board.

- B.** The Board shall certify licensed, doctoral-level psychologists to exercise prescriptive authority in accordance with applicable state, federal, provincial and territorial laws.
- C.** The Board shall develop and implement procedures in the regulations of this Board for the review of education and training credentials for that certification process and the extent of prescriptive authority, in accordance with current standards of professional practice.

**D. INITIAL APPLICATION REQUIREMENTS FOR PRESCRIPTIVE AUTHORITY**

A psychologist who applies for prescriptive authority shall demonstrate all of the following by official transcript or other official evidence satisfactory to the Board:

1. The psychologist must hold a current license at the doctoral level and a certificate as a health service provider in (the jurisdiction);
2. As defined by the Board and consistent with established standards of the profession for educating and training psychologists in preparation for prescriptive authority as defined in the regulations of this Board<sup>1</sup>
3. The psychologist must have graduated with a post-doctoral master's degree in clinical psychopharmacology from a regionally accredited institution of higher education that provides an organized sequence of study in an organized program offering intensive didactic education; the curriculum shall include instruction in basic life sciences, neurosciences, clinical and research pharmacology and psychopharmacology, clinical medicine and pathophysiology, physical assessment, and laboratory exams clinical pharmacotherapeutics, research, professional, ethical and legal issues. The didactic portion of the education shall consist of an appropriate number of didactic hours to ensure acquisition of the necessary knowledge and skills to prescribe in a safe and effective manner;
4. The psychologist must have obtained relevant clinical experience sufficient to attain competency in the psychopharmacological treatment of a diverse client population under the direction of qualified practitioners as defined by regulations of this Board;

5. The psychologist must have passed a national examination in psychopharmacology specified and approved by the Board as defined in regulations of this Board;
6. Psychologist who have completed the United States Department of Defense (DOD) psychopharmacology training program shall be deemed to meet the requirements listed in D.1-6 above.

#### **E. RENEWAL OF PRESCRIPTIVE AUTHORITY**

1. The Board shall define in regulations a method for the renewal of prescriptive authority at the time of or in conjunction with the renewal of licenses.
2. Each applicant for renewal of prescriptive authority shall present satisfactory evidence to the Board demonstrating the completion of continuing professional development relevant to prescriptive authority as defined in regulations of this Board.

#### **F. PRESCRIBING PRACTICES**

1. Psychologists authorized to prescribe shall be authorized to prescribe, administer, discontinue, and/or distribute without charge, drugs or controlled substances recognized in or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, substance abuse, or behavioral disorders and relevant to the practice of psychology, or other procedures directly related thereto within the scope of practice of psychology in accordance with regulations of this Board.
2. Prescribing psychologists may not order, administer, prescribe, or distribute narcotics, as defined in this part.
3. Standards for the treatment or management of common complications of the drug therapy provided by prescribing psychologists will be defined in regulations of this Board.
4. Nothing in this part shall be interpreted or construed, as permitting a prescribing psychologist to pharmacologically treat or diagnose clients for other primary medical conditions.
5. Practitioners licensed under this part may order and interpret laboratory studies and other medical diagnostic procedures, as necessary for adequate pretreatment health screening, diagnosis of mental, nervous, emotional, behavioral, substance abuse, and cognitive disorders and treatment

maintenance, including those necessary for the monitoring of potential side-effects associated with medications prescribed by the prescribing psychologist.

6. Prescribing psychologist shall maintain Basic Life Support (BLS) certification.
7. No psychologist shall issue a prescription nor represent himself or herself as a prescribing psychologist unless the psychologist holds a valid certificate as a prescribing psychologist.
8. Each prescription issued by the prescribing psychologist shall:
  - a) Comply with all applicable state, federal, provincial, territorial laws and regulations.
  - b) Be identified as written by the prescribing psychologist in such manner as determined by the Board.  
  
Comply with all applicable state, federal, provincial, territorial laws and regulations.
  - c) A prescribing psychologist shall not delegate the authority to prescribe drugs to any other person.

#### **G. CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY**

1. When authorized to prescribe controlled substances the prescribing psychologist shall file in a timely manner their United States Drug Enforcement Agency (DEA) registration and number, and the state/provincial/territorial controlled and dangerous substances license number, if applicable, with the Board.
2. The Board shall maintain current record of every prescribing psychologist, including DEA registration and number, or comparable registration numbers from the controlling agencies within provinces and territories.

#### **H. INTERACTION WITH THE BOARD OF PHARMACY**

1. The Board shall transmit to the Board of pharmacy an initial list of prescribing psychologists containing the following information:
  - a) The name of the prescribing psychologist;
  - b) The prescribing psychologist identification or registration number assigned by the Board; and
  - c) The effective date of prescriptive authority.

d) The Board shall promptly forward to the Board of pharmacy any additions to the initial list as new certificates are issued.

e) The Board shall notify the Board of pharmacy in a timely manner upon termination, suspension, or reinstatement of a psychologist's prescriptive authority.

## **I. POWERS AND DUTIES OF THE BOARD**

1. The psychology board shall maintain regulatory authority over the practice of any psychologist who prescribes and administers psychotropic medication.
2. The Board shall promulgate regulations for denial, restriction, reprimand, suspension, emergency suspension, probation, and revocation of the prescriptive authority or license of a psychologist authorized to prescribe.

The Board shall have the power to require remediation of any deficiencies in the training or practice pattern of the prescribing psychologist when, in the judgment of the Board such deficiencies could reasonably be expected to jeopardize the health, safety, or welfare of the public.

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### **ADDITIONS OR AMENDMENTS TO EXISTING STATE/PROVINCIAL/TERRITORIAL LAWS**

3. AMENDMENT TO THE STATE/PROVINCIAL/TERRITORIAL CONTROLLED SUBSTANCES ACT {OR THE APPROPRIATE LEGISLATIVE INSTRUMENT} TO ENSURE THAT PSYCHOLOGISTS AUTHORIZED TO PRESCRIBE ARE AUTHORIZED PRESCRIBERS OF CONTROLLED SUBSTANCES.
4. AMENDMENT TO THE STATE NURSE PRACTICE ACT TO ENSURE THAT NURSES CAN IMPLEMENT PRESCRIPTIONS WRITTEN BY PSYCHOLOGISTS AUTHORIZED TO PRESCRIBE.
5. AMENDMENT TO THE STATE/PROVINCIAL/TERRITORIAL PHARMACY ACT {OR THE APPROPRIATE LEGISLATIVE INSTRUMENT} TO ENSURE THAT PHARMACISTS CAN DISPENSE DRUGS ORDERED BY PSYCHOLOGISTS AUTHORIZED TO PRESCRIBE.