

STATE OF ALASKA
BOARD OF PSYCHOLOGIST & PSYCHOLOGICAL ASSOCIATE EXAMINERS
DECEMBER 5 - 6, 2019
550 W. 7TH AVE, CONF. ROOM 1760, ANCHORAGE, AK 99501

Zoom Phone Line: 1-669-900-6833
Access Code: 516 842 826

THURSDAY, DECEMBER 5, 2019

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
1.	11:00 a.m.	Call to Order/Roll Call	Chair
2.	11:02 a.m.	Review & Approve Agenda	Chair
3.	11:05 am	Ethics Report Reminder of requirements to all board members.	Chair
4.	11:10 a.m.	Review & Approve Previous Minutes	Chair
5.	11:20 a.m.	Board Admin. Business A. Set 2020 Meeting Dates B. Set 2020 SLEE Testing Dates	Chair
6.	11:30 a.m.	Public Comment	Chair
	12:00 p. m.	Lunch Break	
7.	1:00 p.m.	Investigative Report	B. Homestead
8.	1:30 p.m.	Division Update	S. Walsh
9.	2:30 p.m.	Exam Scoring	Chair
10.	3:30 p.m.	Recess until 9:00 a.m. Friday, December 6, 2019 (Later if necessary)	

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FRIDAY, DECEMBER 6, 2019

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
11.	9:00 am	Call to Order/Roll Call	Chair
12.	9:02 a.m.	Courtesy License Update	L. Derr
13.	9:05 a.m.	Old Business A. ASPPB Annual Meeting Presentation	E. Johnson J. Wieman
14.	10:00 am	Correspondence	Chair
15.	10:30 a.m.	New Business A. 2020 Mid-Year ASPPB Meeting B. 2020 Annual ASPPB Meeting	Chair
18.	11:00 a.m.	Application Review	Chair
16.	12:00 p.m.	Lunch Break	
17.	1:00 p.m.	AKPA Licensure Act Meeting Follow Up	Michael Reed, AKPA
19.	3:30 p.m.	Adjourn (later if necessary)	Chair

State of Alaska
DEPARTMENT OF LAW

ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *“Ethics Information for Members of Boards and Commissions.”* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law’s ethics website](#).

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission’s public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members’ disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.⁵
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.⁶

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.⁷

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

¹ The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

² The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

³ You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

⁴ In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

⁵ The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

⁶ In this manner, a member's detailed personal and financial information may be protected from public disclosure.

⁷ When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

⁸ The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

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Ethics Disclosure Form

<p style="text-align: center;">CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</p>
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TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

State Of Alaska
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS
August 29-30, 2019

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.

Thursday, August 29, 2019

Agenda Item – Call to order and Roll call

Board Chair Al Levy called the meeting to order at 9:19 am.

Those present constituting a quorum of the Board:

Al Levy, Psychological Associate
Joel Wieman, Psychologist
Matthew Dammeyer, Psychologist
Erin Johnson, Psychologist

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing were:

Lacey Derr, Licensing Examiner
Renee Hoffard, Licensing Supervisor
Sara Chambers, Director
Erika Prieksat & Billy Homestead, Investigators

Noted in Roll Call, Suzanne Dutson had submitted her resignation to The Board effective immediately beginning August 27, 2019. Before beginning the meeting, Chair Al Levy wanted the record to reflect the delay in start time was due to technical difficulties. Further emphasizing the request for in face meetings for effectiveness.

Agenda Item – Review & Approve Agenda

The board reviewed the drafted agenda of the meeting. Chair Levy stated he needed to propose an amendment to Friday's start time. Due to a conflicting obligation, it was requested amend Friday's start time to 10am.

In a motion duly made by Matt Dammeyer and seconded by Erin Johnson, with unanimous consent, it was resolved to approve the agenda as amended.

45 Examiner Derr addressed the Board regarding an item for presentation by former Board Member
46 Suzanne Dutson. It was requested the Examiner attempt to contact her and see if she's able to present
47 her research presentation on Friday still before formally removing it from the agenda.
48

49 **Agenda Item – Review/Approve Previous Meeting Minutes**

50

51 **In a motion duly made by Matthew Dammeyer and seconded by Erin Johnson, with**
52 **unanimous consent, it was resolved to approve the amended previous meeting minutes as**
53 **discussed.**

54 **Agenda Item – Exam Scoring**

55 **Upon a motion made by Erin Johnson, seconded by Joel Wieman, and approved unanimously, it was**
56 **resolved to enter into Executive Session in accordance with AS 44.62.310(c), and Alaska constitutional**
57 **right to privacy provisions for the purpose of discussing matters which by law, municipal charter, or**
58 **ordinance are required to be confidential. Board staff Lacey Derr to remain in the room.**
59

60 **Off Record: 9:48am**

61 **On Record: 10:41am**

62

63 After scoring exams, the board took a brief break.

64

65 **Off Record: 10:43am**

66 **On Record: 11:00am**

67

68 **Agenda Item – Board Business**

69

70 Travel for the upcoming ASPPB meeting set for October 16-20, 2019 was approved for 2 Board members
71 to attend. Chair Levy unfortunately stated he was unable to attend now due to a scheduling conflict and
72 the invitation was extended to Dr. Wieman. Chair Levy questioned Supervisor Hoffard why there was
73 "silence" after submitting the travel request. Because of the lack of notification, another engagement
74 was committed to, preventing Chair Levy from attending. Supervisor Hoffard stated she can request
75 information from our Travel Director but did explain our travel approvals are at the mercy of a higher
76 chain of command. And once staff has been notified, the information is distributed accordingly.
77

78 Dr. Dammeyer stated he would be tendering his resignation after the conclusion of the current board
79 meeting. He stated he was relocating out of Alaska and needed to resign his position. Dr. Dammeyer
80 asked how to properly tender his resignation and was directed to email Director Chambers or Supervisor
81 Hoffard. Chair Levy then explained how the resignation will make quorums potentially more difficult
82 and the need for remaining Board Members to be able to attend future meetings. Questions were
83 raised regarding how the Board would go about expressing their concerns with needs for additional
84 members and they were directed to contact the Boards & Commissions Director with their request.
85

86 **In a motion duly made by Matthew Dammeyer and seconded by Erin Johnson, with**
87 **unanimous consent, it was resolved to amend the agenda and being Application Review to**
88 **make best use of their time.**
89

90

91 **Upon a motion made by Erin Johnson; seconded by Matthew Dammeyer and approved**
92 **Unanimously, it was resolved to approve the following applications with the stipulation that**
93 **the information in the applicant files take precedence over the minutes of this meeting.**

94 **Chris Cavanaugh – Psychologist by Exam Temporary License**
95 **Michael Arnatt – Psychologist by Exam Temporary License (Erin Johnson Abstain)**

96
97 Tabled applications for further information
98 **Steve Guevara – Renewal Psychologist Associate**
99 **Phillipa Thomas - Psychologist by Exam Temporary License**

100
101 **Agenda Item – Public Comment**

102
103 There were no members of the public that wished to provide public comments to the board.

104
105 **Public Comment Closed: 11:42am**

106
107 **Upon a motion made by Erin Johnson, seconded by Matt Dammeyer, and approved unanimously, it**
108 **was resolved to enter into Executive Session in accordance with AS 44.62.310(c), and Alaska**
109 **constitutional right to privacy provisions for the purpose of discussing subjects that tend to prejudice**
110 **the reputation and character of any person, provided the person may request a public discussion.**
111 **Board staff Lacey Derr to remain in the room.**

112
113 Enter Executive Session: 11:43am
114 Exit Executive Session: 12:03pm

115
116 **Recess for Lunch: 12:04pm – 1:00pm**

117
118 *Investigators Erika Prieksat & Billy Homestead joined @ 1pm*

119
120 **Agenda Item – Investigative Report**

121
122 Investigator Erika Prieksat addressed the board with current investigation and introduced new
123 Investigator Billy Homestead. There were 2 opened matters from April 26, 2019 – August 15, 2019, zero
124 closed matters, and 4 remain ongoing. The Board introduced themselves to Investigator Homestead.
125 Hearing no questions from the Board regarding the investigative report, attention turned to the Division
126 Update.

127
128 **Agenda Item – Division Update**

129
130 Director Sara Chambers addressed the Board in regard to the Regulatory Reform concept that has been
131 coming down from the Governor’s office. The memo sent out in July was the kickoff to the Reform
132 Concept, which had been in the works for a while. The idea being to identify statutes, regulations, or
133 processes that may be outdated, unnecessary, not supported by data/studies. Also, to identify things
134 that can be improved efficiency and/or process wise. The purpose being to get professionals to work on
135 one side and public safety and protection being on the other. Referring to the memo sent in July to
136 Board members, Director Chamber brought attention to the bullet points and reiterated the Division’s
137 goals in providing service excellence.

138 Chair Levy stated his view was the Board had been very proactive in keeping current with profession
139 changes, updates, and ease of access to licensing. It was agreed the Board has been very proactive and
140 was thanked for their diligence to the Psychology profession. Director Chambers brought up a few
141 examples of additional items the Board could look at to begin thinking more “outside” the box and just
142 reminded the Board to remain active and not passive in moving through the Regulatory Reform Process.
143 Attention was brought to the workbook provided to assist the Board in working through the process. If
144 the Board had any questions during the process, to please ask.
145

146 Director Chambers also discussed a potential idea that was floating through the administration. The
147 Administration has been very interested in efficiency and finding ways to unsilo ourselves. One theme
148 that has been presented is combining the mental health boards, or commonly referred to as a “Super
149 Board”. The idea being to bring the various mental health boards to the same table for discussion. It is
150 a current conversation that is serious and could be introduced into legislation later this fiscal year. It
151 was told to the Board to please communicate what information, ideas, and opinions the Board may have
152 in regard to combining the mental health boards. Chair Levy having had prior discussions of the
153 potential “Super Board”, he had already begun doing some research. After reaching out to a few
154 jurisdictions and entities, the general information received back is that it could be less than favorable.
155 But until additional information and resources are received, the discussion would be more appropriate
156 for a later time.
157

158 Being this was the first public announcement of the proposed idea of “Super Boards”, it was asked to
159 please help assure the partnership will be maintained and upfront thanks were given for maintaining a
160 professional working outcome. Before moving on, the Board wanted to question the idea of combining
161 mental health boards when Psychologists are more alike with medical professions. The Division had not
162 heard that was an option and requested additional research/information found by the Board to be
163 presented.
164

165
166 **Recess at 2:05 pm until 10:00 am on Friday, August 30, 2019.**
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State Of Alaska
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS
August 29-30, 2019

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Friday, August 30, 2019

Agenda Item – Call to order and Roll call

Board Chair Al Levy called the meeting to order at 10:12 am.

Those present constituting a quorum of the Board:

- Al Levy, Psychological Associate
- Joel Wieman, Psychologist
- Matthew Dammeyer, Psychologist
- Erin Johnson, Psychologist

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing were:

Lacey Derr, Licensing Examiner

Public Present, Michael Reed, AKPA

Chair Levy wanted to state for the record the late start time was due to issues with technological issues and coordination between Anchorage staff and Juneau staff to conduct the meeting via videoconference.

Agenda Item – Courtesy License Update

Examiner Derr updated the Board on the status of current courtesy licenses. Of the 4 Active Courtesy Licenses, all but 1 was compliant. The one out of compliance had been sent a status letter, requesting immediate response.

Since former Board Member Suzanne Dutson could not attend to present her PSYPACT information, Examiner Derr contacted Dr. Michael Reed from AKPA to present his information earlier in the agenda. The Board had already completed other agenda items to make best use of their time.

Off Record 10:14am
On Record 10:23am

229 **Agenda Item – AKPA**

230

231 Michael Reed, AKPA Representative, presented to the Board the status of the uniform licensing act
232 they've been working on. But before starting, Chair Levy updated Dr. Reed on the potential "Super
233 Board". It was requested Dr. Reed take the information back to AKPA and for their position and/or
234 opinion on the matter. Not speaking for the AKPA Board, Dr. Reed did briefly address the idea and one
235 of the major concerns stated was similar to that of Chair Levy: Status of LPA's in the profession and
236 combining boards which are largely very different. Dr. Reed stated he'll bring the information back to
237 the AKPA Board and work to get a more formal opinion statement for the January 2020 meeting.

238

239 AKPA has been working to follow the traditional APA format but update it with current information. By
240 updating the current information (such as the resequencing of training hours), it would bring Alaska in
241 line with 18 other states and the momentum of the profession in general. Chair Levy agreed with
242 bringing the regulations and legislation in line with changing/updates in the profession and that the
243 Administration has asked of all boards to do similar processes (regulatory reform). The question was
244 posed, "Is the new AKPA regulations to close the door on one process and open another?" and the short
245 answer was no. There would still be a mix of internship and post-doctoral accrual hours as some
246 professions within psychology would require the traditional method of hour accrual. Does the new
247 legislation allow applicants to correct post-doctoral their internship to achieve licensure? The proposed
248 language does read with an "and/or" option which can reopen a path to licensure that some may have
249 faced a hard stop.

250

251 It was asked of the Board to provide additional examples of situations that have come up in access to
252 licensure that AKPA could potentially address in their language. Board member Dammeyer brought up
253 more of concerns with regulation and implementation of the internship/doctoral programs. The fear is
254 more focused on the new programs coming up, there isn't a strong checks and balances of the program
255 requirements among the programs (APA vs. not). Dr. Reed stated there isn't specifically something in
256 place. Further discussion questioned why there is APA accredited programs then, the effectiveness of
257 supervision, and the general access to education become more electronic.

258

259 It was explained legislation is still in draft form and there could be additional items added. There could
260 be additional items identified as potentially important to add. Chair Levy stated he would also contact
261 some of the national databases for information on LPA's and LPC's providing advanced psychometric
262 testing. After some additional discussion on psychometric testing, researching potential barriers to
263 licensure, and how to best protect the public, Dr. Reed was thanked for his time and diligence to the
264 psychological profession.

265

266 **Agenda Item – Adjourn**

267

268 **Upon a motion made by Matthew Dammeyer, seconded by Erin Johnson, and approved**
269 **unanimously, it was resolved to adjourn the meeting.**

270

271 **Chair Levy Adjourned the meeting at 11:11am.**

272

273

274

275

276

Alaska Board of Psychologist and Psychological Associate Examiners
August 29-30, 2019

277 Respectfully submitted,

278

279

280

281 _____
Lacey Derr

282 Occupational Licensing Examiner

283

284

285

286 _____
Allen Levy

287 Board Chair

288

289

Date

Date

DRAFT

2020 STATE HOLIDAY CALENDAR

JANUARY

S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
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FEBRUARY

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MARCH

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APRIL

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MAY

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JUNE

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JULY

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AUGUST

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30	31					

SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)



State calendar maintained by the Division of Finance, Department of Administration
<http://doa.alaska.gov/calendars.html>

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

State Holidays

Date	Holiday
09/07	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

Public Comment:

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

FY 2019 CBPL COST ALLOCATIONS

Name	Task Code	Direct Revenues	3rd Party Reimbursement	Total Revenues	Direct Expense	Percentage of board licenses/total licensees:	Division receiving personal services by transaction %:	Department Personal Services - Fiscal Revenue personal services by transaction %	Indirect Expense (Total Non-PCN Allocated)	Percentage of direct personal services:	Total Indirect Expenses	Total Expenses	2019 Annual Surplus (Deficit)
Acupuncture	ACU1	\$ 39,220	\$ -	\$ 39,220	\$ 9,421	\$ 3,211	\$ 372	\$ 728	\$ 4,311	3,130	\$ 7,441	\$ 16,862	\$ 22,358
Architects, Engineer	AEL1	\$ 161,305	\$ 10,892	\$ 172,197	\$ 409,158	\$ 173,072	\$ 11,462	\$ 1,352	\$ 185,886	120,476	\$ 306,362	\$ 715,520	\$ (543,323)
Athletic Trainers	ATH1	\$ 5,005	\$ -	\$ 5,005	\$ 2,348	\$ 1,062	\$ 135	\$ 39	\$ 1,236	860	\$ 2,096	\$ 4,444	\$ 561
Audiology/Speech Pathologists	AUD1	\$ 168,637	\$ -	\$ 168,637	\$ 28,180	\$ 20,728	\$ 4,170	\$ 1,430	\$ 26,328	10,326	\$ 36,654	\$ 64,834	\$ 103,803
Barbers & Hairdressers	BAH1	\$ 439,932	\$ -	\$ 439,932	\$ 389,605	\$ 160,158	\$ 20,975	\$ 3,030	\$ 184,163	124,454	\$ 308,617	\$ 698,222	\$ (258,290)
Behavior Analysts	BEV1	\$ 15,950	\$ -	\$ 15,950	\$ 5,420	\$ 1,464	\$ 327	\$ 650	\$ 2,441	1,804	\$ 4,245	\$ 9,665	\$ 6,285
Chiropractors	CHI1	\$ 211,760	\$ -	\$ 211,760	\$ 77,361	\$ 8,523	\$ 2,784	\$ 1,430	\$ 12,737	24,832	\$ 37,569	\$ 114,930	\$ 96,830
Collection Agencies	COA1	\$ 39,272	\$ -	\$ 39,272	\$ 37,387	\$ 17,022	\$ 2,175	\$ 377	\$ 19,574	12,740	\$ 32,314	\$ 69,701	\$ (30,429)
Concert Promoters	CPR1	\$ 6,625	\$ -	\$ 6,625	\$ 3,948	\$ 661	\$ 203	\$ 52	\$ 916	1,501	\$ 2,417	\$ 6,365	\$ 260
Construction Contractors	CON1	\$ 1,390,292	\$ -	\$ 1,390,292	\$ 551,487	\$ 202,889	\$ 25,246	\$ 4,395	\$ 232,530	108,468	\$ 340,998	\$ 892,485	\$ 497,807
Home Inspectors	HIN1	\$ 5,475	\$ -	\$ 5,475	\$ 8,833	\$ 2,219	\$ 270	\$ 78	\$ 2,567	3,315	\$ 5,882	\$ 14,715	\$ (9,240)
Dental	DEN1	\$ 636,660	\$ 127	\$ 636,787	\$ 332,050	\$ 126,304	\$ 9,028	\$ 2,536	\$ 137,868	88,204	\$ 226,072	\$ 558,122	\$ 78,665
Dietitians/Nutritionists	DTN1	\$ 14,055	\$ -	\$ 14,055	\$ 8,067	\$ 6,988	\$ 1,409	\$ 234	\$ 8,631	2,797	\$ 11,428	\$ 19,495	\$ (5,440)
Direct Entry Midwife	MID1	\$ 135,595	\$ -	\$ 135,595	\$ 16,102	\$ 1,298	\$ 192	\$ 364	\$ 1,854	4,202	\$ 6,056	\$ 22,158	\$ 113,437
Dispensing Opticians	DOP1	\$ 32,558	\$ -	\$ 32,558	\$ 19,010	\$ 2,809	\$ 721	\$ 598	\$ 4,128	7,058	\$ 11,186	\$ 30,196	\$ 2,362
Electrical Administrator	EAD1	\$ 16,781	\$ -	\$ 16,781	\$ 60,352	\$ 22,546	\$ 2,074	\$ 520	\$ 25,140	12,325	\$ 37,465	\$ 97,817	\$ (81,036)
Euthanasia Services	EUT1	\$ 275	\$ -	\$ 275	\$ 813	\$ 331	\$ 23	\$ 78	\$ 432	323	\$ 755	\$ 1,568	\$ (1,293)
Geologists	GEO1	\$ 745	\$ -	\$ 745	\$ 777	\$ 189	\$ 158	\$ 13	\$ 360	273	\$ 633	\$ 1,410	\$ (665)
Guardians/Conservators	GCO1	\$ 8,934	\$ -	\$ 8,934	\$ 6,864	\$ 331	\$ 56	\$ 104	\$ 491	2,357	\$ 2,848	\$ 9,712	\$ (778)
Guide-Outfitters	GUI1	\$ 405,090	\$ -	\$ 405,090	\$ 511,497	\$ 34,633	\$ 12,803	\$ 1,508	\$ 48,944	88,129	\$ 137,073	\$ 648,570	\$ (243,480)
Marine Pilots	MAR1	\$ 128,600	\$ -	\$ 128,600	\$ 102,224	\$ 3,116	\$ 665	\$ 715	\$ 4,496	32,628	\$ 37,124	\$ 139,348	\$ (10,748)
Foreign Pleasure Craft	FPC1	\$ 77,850	\$ -	\$ 77,850	\$ 6,838	\$ -	\$ 237	\$ 156	\$ 393	2,756	\$ 3,149	\$ 9,987	\$ 67,863
Marital & Family Therapy	MFT1	\$ 84,050	\$ -	\$ 84,050	\$ 45,031	\$ 2,408	\$ 383	\$ 520	\$ 3,311	14,422	\$ 17,733	\$ 62,764	\$ 21,286
Massage Therapists	MAS1	\$ 89,770	\$ 1,791	\$ 91,561	\$ 222,447	\$ 30,148	\$ 3,843	\$ 923	\$ 34,914	57,091	\$ 92,005	\$ 314,452	\$ (222,891)
Mechanical Administrator	MEC1	\$ 12,615	\$ -	\$ 12,615	\$ 57,411	\$ 13,811	\$ 1,127	\$ 182	\$ 15,120	9,417	\$ 24,537	\$ 81,948	\$ (69,333)
Medical	MED1	\$ 2,380,618	\$ 184	\$ 2,380,802	\$ 825,304	\$ 198,805	\$ 34,668	\$ 5,136	\$ 238,609	265,208	\$ 503,817	\$ 1,329,121	\$ 1,051,681
Mortuary Science	MOR1	\$ 32,038	\$ -	\$ 32,038	\$ 9,921	\$ 3,565	\$ 169	\$ 351	\$ 4,085	3,529	\$ 7,614	\$ 17,535	\$ 14,503
Naturopaths	NAT1	\$ 4,690	\$ -	\$ 4,690	\$ 8,078	\$ 1,086	\$ 56	\$ 52	\$ 1,194	2,656	\$ 3,850	\$ 11,928	\$ (7,238)
Nurse Aides	NUA1	\$ 242,905	\$ -	\$ 242,905	\$ 232,562	\$ 84,281	\$ 11,857	\$ 794	\$ 96,932	46,226	\$ 143,158	\$ 375,720	\$ (132,815)
Nursing	NUR1	\$ 3,775,420	\$ 731	\$ 3,776,151	\$ 1,347,133	\$ 485,288	\$ 62,507	\$ 8,039	\$ 555,834	394,187	\$ 950,021	\$ 2,297,152	\$ 1,478,999
Nursing Home Administrators	NHA1	\$ 14,105	\$ 389	\$ 14,494	\$ 10,193	\$ 1,393	\$ 338	\$ 377	\$ 2,108	3,096	\$ 5,204	\$ 15,397	\$ (903)
Optometry	OPT1	\$ 131,350	\$ -	\$ 131,350	\$ 52,920	\$ 6,115	\$ 575	\$ 819	\$ 7,509	14,494	\$ 22,003	\$ 74,923	\$ 56,427
Pawnbrokers	PAW1	\$ 1,275	\$ -	\$ 1,275	\$ 1,670	\$ 614	\$ 23	\$ 13	\$ 650	488	\$ 1,138	\$ 2,808	\$ (1,533)
Pharmacy	PHA1	\$ 213,770	\$ 962	\$ 214,732	\$ 304,310	\$ 146,442	\$ 16,196	\$ 2,041	\$ 164,679	98,892	\$ 263,571	\$ 567,881	\$ (353,149)
Physical/Occupational Therapy	PHY1	\$ 125,615	\$ 724	\$ 126,339	\$ 136,965	\$ 49,341	\$ 8,611	\$ 1,612	\$ 59,564	47,892	\$ 107,456	\$ 244,421	\$ (118,082)
Prescription Drug Monitoring Program	PDMP	\$ 90,765	\$ -	\$ 90,765	\$ 6,053	\$ -	\$ -	\$ -	\$ -	-	\$ -	\$ 6,053	\$ 84,712
Professional Counselors	PCO1	\$ 77,200	\$ -	\$ 77,200	\$ 126,737	\$ 18,391	\$ 2,930	\$ 845	\$ 22,166	46,054	\$ 68,220	\$ 194,957	\$ (117,757)
Psychology	PSY1	\$ 141,845	\$ 1,696	\$ 143,541	\$ 98,689	\$ 7,319	\$ 1,533	\$ 923	\$ 9,775	30,578	\$ 40,353	\$ 139,042	\$ 4,499
Public Accountancy	CPA1	\$ 155,871	\$ 2,241	\$ 158,112	\$ 248,291	\$ 40,346	\$ 3,370	\$ 468	\$ 44,184	83,935	\$ 128,119	\$ 376,410	\$ (218,298)
Real Estate	REC1	\$ 282,453	\$ -	\$ 282,453	\$ 224,480	\$ 95,401	\$ 16,331	\$ 767	\$ 112,499	76,027	\$ 188,526	\$ 413,006	\$ (130,553)
Real Estate Appraisers	APR1	\$ 190,565	\$ 4,314	\$ 194,879	\$ 134,408	\$ 7,035	\$ 2,198	\$ 1,014	\$ 10,247	43,708	\$ 53,955	\$ 188,363	\$ 6,516
Social Workers	CSW1	\$ 65,878	\$ 506	\$ 66,384	\$ 108,430	\$ 22,829	\$ 4,001	\$ 1,274	\$ 28,104	36,653	\$ 64,757	\$ 173,187	\$ (106,803)
Storage Tank Workers	UST1	\$ 2,515	\$ -	\$ 2,515	\$ 2,463	\$ 1,487	\$ 135	\$ 65	\$ 1,687	854	\$ 2,541	\$ 5,004	\$ (2,489)
Veterinary	VET1	\$ 292,515	\$ 282	\$ 292,797	\$ 111,675	\$ 22,121	\$ 3,595	\$ 1,612	\$ 27,328	38,851	\$ 66,179	\$ 177,854	\$ 114,943
No longer existent board/commission (ie Athletic)													
Totals All Boards		\$ 12,348,444	\$ 24,839	\$ 12,373,283	\$ 6,902,913	\$ 2,027,780	\$ 269,931	\$ 48,214	\$ 2,345,925	\$ 1,967,216	\$ 4,313,141	\$ 11,216,052	\$ 1,157,231
ABL & Corporations	080801005	\$ 10,034,379	\$ -	\$ 10,034,379	\$ 1,220,779	\$ (32,041)	\$ 267,103	\$ 17,225	\$ 252,287	\$ 259,053	\$ 511,340	\$ 1,732,119	
Total CBPL		\$ 21,834,105	\$ 27,053	\$ 21,861,158	\$ 8,648,055	\$ 1,995,739	\$ 537,034	\$ 65,439	\$ 2,598,212	\$ 2,226,269	\$ 4,824,481	\$ 13,472,534	

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing
Schedule of Revenues and Expenditures

Board of Psychologist and Psychological Associate Examiners	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium
Revenue									
Revenue from License Fees	\$ 38,650	\$ 174,938	\$ 213,588	\$ 33,572	\$ 193,265	\$ 226,837	\$ 17,080	\$ 141,845	\$ 158,925
Allowable Third Party Reimbursements	-	-	-	-	-	-	1,017	1,696	2,713
TOTAL REVENUE	\$ 38,650	\$ 174,938	\$ 213,588	\$ 33,572	\$ 193,265	\$ 226,837	\$ 18,097	\$ 143,541	\$ 161,638
Expenditures									
Non Investigation Expenditures									
1000 - Personal Services	47,096	31,579	78,675	30,048	23,347	53,395	37,789	59,421	97,210
2000 - Travel	14,041	22,637	36,678	13,089	14,489	27,578	19,445	10,608	30,053
3000 - Services	4,296	6,917	11,213	5,805	3,825	9,630	2,624	3,929	6,553
4000 - Commodities	78	50	128	19	149	168	29	121	150
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	65,511	61,183	126,694	48,961	41,810	90,771	59,887	74,079	133,966
Investigation Expenditures									
1000-Personal Services	22,788	27,317	50,105	7,431	4,707	12,138	12,145	19,534	31,679
2000 - Travel	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	2,400	-	2,400	525	-	525	-	-	-
3088 - Inter-Agency Legal	19,336	7,152	26,488	3,859	-	3,859	-	4,980	4,980
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	-	-	-	-	-
3000 - Services other	-	-	-	-	-	-	96	-	96
4000 - Commodities	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	44,524	34,469	78,993	11,815	4,707	16,522	12,145	24,610	36,755
Total Direct Expenditures	110,035	95,652	205,687	60,776	46,517	107,293	72,032	98,689	170,721
Indirect Expenditures									
Internal Administrative Costs	7,779	9,738	17,517	9,623	9,419	19,042	11,585	16,264	27,849
Departmental Costs	10,062	13,288	23,350	7,278	7,761	15,039	9,735	15,719	25,454
Statewide Costs	7,986	8,245	16,231	2,812	3,390	6,202	5,580	8,370	13,950
Total Indirect Expenditures	25,827	31,271	57,098	19,713	20,570	40,283	26,900	40,353	67,253
TOTAL EXPENDITURES	\$ 135,862	\$ 126,923	\$ 262,785	\$ 80,489	\$ 67,087	\$ 147,576	\$ 98,932	\$ 139,042	\$ 237,974
Cumulative Surplus (Deficit)									
Beginning Cumulative Surplus (Deficit)	\$ 369,465	\$ 272,253	-	\$ 320,268	\$ 273,351	-	\$ 399,529	\$ 318,694	-
Annual Increase/(Decrease)	(97,212)	48,015	-	(46,917)	126,178	-	(80,835)	4,499	-
Ending Cumulative Surplus (Deficit)	\$ 272,253	\$ 320,268	-	\$ 273,351	\$ 399,529	-	\$ 318,694	323,193	-
	* No fee changes needed								
Statistical Information									
Number of Licensees	273	307	-	307	321	-	290	310	-

Additional information:

- Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *
- Most recent fee change: Fee reduction FY19
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing
Schedule of Revenues and Expenditures

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	PSY1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)				Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	41,564.85				41,564.85
1014 - Overtime	2.06				2.06
1023 - Leave Taken	5,044.25				5,044.25
1028 - Alaska Supplemental Benefit	2,863.02				2,863.02
1029 - Public Employee's Retirement System Defined Benefits	930.98				930.98
1030 - Public Employee's Retirement System Defined Contribution	2,276.22				2,276.22
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,735.66				1,735.66
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	397.66				397.66
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	4,899.08				4,899.08
1039 - Unemployment Insurance	68.89				68.89
1040 - Group Health Insurance	16,363.21				16,363.21
1041 - Basic Life and Travel	25.25				25.25
1042 - Worker's Compensation Insurance	405.80				405.80
1047 - Leave Cash In Employer Charge	1,075.12				1,075.12
1048 - Terminal Leave Employer Charge	669.35				669.35
1053 - Medicare Tax	645.05				645.05
1069 - SU Business Leave Bank Contributions	38.56				38.56
1077 - ASEA Legal Trust	72.35				72.35
1079 - ASEA Injury Leave Usage	4.69				4.69
1080 - SU Legal Trst	17.39				17.39
1970 - Personal Services Transfer	(145.20)				(145.20)
2000 - In-State Employee Airfare		961.09			961.09
2001 - In-State Employee Surface Transportation		18.25			18.25
2002 - In-State Employee Lodging		477.00			477.00
2003 - In-State Employee Meals and Incidentals		885.00			885.00
2005 - In-State Non-Employee Airfare		3,599.61			3,599.61
2006 - In-State Non-Employee Surface Transportation		-			-
2007 - In-State Non-Employee Lodging		1,730.00			1,730.00
2008 - In-State Non-Employee Meals and Incidentals		975.50			975.50
2009 - In-State Non-Employee Taxable Per Diem		256.00			256.00
2010 - In-State Non-Employee Non-Taxable Reimbursement		89.20			89.20
2020 - Out-State Non-Employee Meals and Incidentals		140.00			140.00
2022 - Out-State Non-Employee Non-Taxable Reimbursement		1,469.70			1,469.70
2036 - Cash Advance Fee		6.51			6.51
2970 - Travel Cost Transfer		-			-
3000 - Training/Conferences			290.00		290.00
3002 - Memberships			1,211.00		1,211.00
3036 - Local/Equipment Charges			27.27		27.27
3045 - Postage			96.99		96.99
3046 - Advertising			760.31		760.31
3069 - Commission Sales			75.75		75.75
3088 - Inter-Agency Legal			5,991.32		5,991.32
3970 - Contractual Transfer			553.00		553.00
4002 - Business Supplies				121.41	121.41
Grand Total	78,954.24	10,607.86	9,005.64	121.41	98,689.15

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Psychologists & Psychological Associates enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff member(s) _____ to remain during the session.

Off record: _____
On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- matters involving consideration of government records that by law are not subject to public disclosure.

COURTESY LICENSE UPDATE

License Number	Name	Scope of Practice	Expiration Date	Status
140361	Bruce, Aubrey	Individual Psychotherapy for current client	02/14/2020	Compliant
139884	Williams, Arthur	Psychological & Neuropsychological Assessments	11/30/2019	Active Full Psychologist, Compliant
137681	Denney, Robert	forensic neuropsychological examination of a capital defendant; including interview/testing the defendant and interviewing collateral sources.	9/19/2019	Non-Compliant; Letter Sent
137099	Light, Robert	Medicolegal neuropsychological evaluation and subsequent testimony.	9/25/2019	Active Full Psychologist, Compliant



Moving Forward Together: Protecting the Public by Safeguarding Regulation

ASPPB Annual Meeting Summary

As you all know, ASPPB is the alliance of state, provincial and territorial boards responsible for the regulation of psychology. Our mission is to enhance services and support member jurisdictions in fulfilling their goal of advancing public protection. One of the ways we accomplish our mission is by providing Midyear and Annual membership meetings. The 59th ASPPB Annual Meeting of Delegates, with the theme of “Moving Forward Together: Protecting the Public by Safeguarding Regulation,” welcomed 120 attendees from 40 jurisdictions, and liaisons from 10 groups, to Minneapolis, MN, October 14-20, 2019.

In describing the themes that would be addressed, Sharon Lightfoot, Chair of the meeting, asked attendees to consider whether there might be an agreed-upon standard of education, supervision and examinations that best assures the competence to practice independently; whether access to care is a public protection issue; and whether safeguarding psychology regulation is part of public protection. In focusing on these issues, the Annual Meeting looked in-depth at current governmental efforts that have been undermining to psychology regulation and to public protection. Strategies to respond to these efforts in order to safeguard regulation were explored. The meeting concluded with possible next steps to consider in our work of public protection.

With overall meeting goals to understand the concerns that have created this anti- or de-regulatory climate, to understand the breadth and depth of challenges to professional licensure, to review strategies that have successfully addressed the challenges to psychology regulation, and to develop consensus regarding the “best practices” to promote responsible psychology licensure that will protect the health and welfare of the public, the meeting began. Below is a summary of the Annual Meeting sessions and major “take aways” from those sessions. All PowerPoint slides can be found on the ASPPB website at www.asppb.net.

1) Current Legislative Efforts Regarding Professional Regulation

- a. Our keynote speaker, John Johnson, Director of Legislative and Governmental Affairs for the National Association of State Boards of Accountancy, reviewed the major strategic and concerted efforts aimed at reducing and/or eliminating all regulation, including the regulation of professions.
- b. By the end of 2018, all but 12 states had introduced and/or passed bills to reduce/eliminate professional licensure, and in 2019, 27 states have introduced and/or passed additional legislation to reduce or eliminate what key groups have termed “barriers to licensure.” The agenda and messaging of these key groups that drive deregulatory efforts were reviewed.

2) Effective Strategies to Respond to Efforts of Concern Include: Education

- a. It is important that the voices of those who support responsible regulation are heard. A number of stakeholders, including regulatory boards, professional associations, and The Alliance for

- Professional Regulation, are beginning to develop and promote materials aimed at educating the public and governmental entities about responsible regulation, especially for highly technical and skilled professions such as psychology.
- b. New Brunswick and Minnesota provided examples of their “one-pagers” that provide education about regulation and psychology. The Alliance for Responsible Professional Legislation also provided materials for all attendees. These materials will be available on the ASPPB website soon.
 - c. The importance of clear and concise materials (“with a lot of space on the page”) that provide factual information about how psychology regulation protects the public, and that explain what psychologists do, was highlighted again and again. Attendees worked in roundtable format during this session to provide their “first drafts” of elevator speeches and one-page educational products. ASPPB has gathered this information and will provide these resource materials on the ASPPB website for member jurisdictions to use.
 - d. The importance of ‘sharing’ the regulatory perspective was highlighted by all speakers. Attendees were strongly encouraged to educate our governments and stakeholders about psychology regulation, including the importance of government Involvement, due process, and the public’s lack of ability to accurately assess the competence of highly technical and/or trained professionals. Other possible talking points for education about regulation included:
 - Freestanding (versus omnibus) boards provide a profession-specific expertise, which promotes efficiency in the regulatory process.
 - Professional regulation allows an affordable, efficient and uniform mechanism for all to have redress (versus a costly and lengthy process of litigation primarily available to those with resources).
 - Licensure provides a clear and transparent model for individuals to enter a professional field and to assure the public that those who are licensed meet a certain standard for practice.
 - e. The importance of language was discussed when explaining why regulation matters. There was some discussion about the term “advocate/advocacy” and whether or not regulators could “advocate” for regulation. In the broad sense, it was agreed that ‘advocacy’ *is* ‘education’. It was suggested that we, as a regulatory community, be prepared to justify (vs. defend) psychology regulation. The community that advocates for de-regulation stresses how regulation creates barriers. As regulators we should stress that education, experience and standardized exams are *standards* (vs. *barriers*). Regulators should also stress that certain legislation will *decrease public protection* (vs. *decrease regulation*). Finally, when we discuss the *freedom to do something* (e.g., earn a living) it must be balanced with the *freedom from something being done to us* (e.g., harmed by an incompetent professional).
 - f. The importance of identifying opportunities to share key information was discussed. Some boards consistently invite legislators to their board meetings. Engineers use “infrastructure failures” as opportunities to share key information with the public about why hiring certified engineers is important for public safety. ASPPB Annual Meeting attendees were encouraged to think about what a “psychology infrastructure failure” might be, and to be on the lookout for opportunities to educate various constituencies about the importance of licensure.

3) Working together with ASPPB and External Stakeholders to Support Psychology Regulation

- a. ASPPB’s efforts include information on our website in the “Regulatory Board Access” section that includes general information about ASPPB and its programs, as well as, resources for boards and colleges; board member training that can be requested at any time; and minutes from all ASPPB Board of Directors meetings. There are many more member services provided by

- ASPPB to our jurisdictions. See the PowerPoint presentations by Janet Orwig and Alex Siegel from the Annual Meeting and visit the “Regulatory Board Access” section of ASPPB website.
- b. Canadian member jurisdictions have been dealing with governmental concerns about access to care and barriers to licensure for longer than our U.S. jurisdictions. As a result of the Canadian Agreement on Internal Trade, a psychologist in one province of Canada is a psychologist in any province of Canada. Psychology regulatory bodies in Canada originally formed ACPRO to facilitate information sharing among themselves. ACPRO has been working toward a national standard for licensure requirements that will ensure the best public protection and access to competent care and be responsive to governmental concerns.
 - c. APA provides program accreditation that helps standardize doctoral-level training and works with state psychological associations to offer continuing education, work against legislation that could be harmful to the public (e.g., conversion therapy, “consumer choice” initiatives that allow the public to be treated by non-licensed individuals if they have been informed that the person is unlicensed, etc.), and work toward legislation that increases access to care (e.g., PSYPACT).

4) Effective Strategies to Respond to Efforts of Concern Include: Uniformity

- a. Our keynote speaker highlighted how the Boards of Accountancy have effectively countered legislation that would reduce public protection by creating more uniformity among their boards. The Accountancy Boards have adopted a standardized educational curriculum to qualify one to be an accountant and standardized criteria for the kind of experience that qualifies for licensure.
- b. Other presenters discussed how compacts and other mobility measures were important to ensure greater access to competent care and to maintain ongoing treatment.

5) Moving Forward Together: Should we Pursue Uniformity?

- a. Attendees discussed whether or not it is time for psychology regulators to move toward more uniformity among us. There was unanimous approval for moving toward uniformity as the best way to ensure public protection. The next question is how best to do this.
- b. Dale Atkinson introduced the idea of using formal resolutions to allow membership to charge the Association with carrying out specific tasks. This process will be further explored during the 2020 ASPPB Midyear Meeting in Montreal.
- c. Attendees discussed whether or not it was time to develop a uniform Model Act. Discussion ensued about developing a process which would include all member jurisdictions that would allow for review, debate, and eventually adoption of a set of uniform standards for psychology regulation.

6) Bringing to Your Attention...

This new part of our meetings is used to inform our jurisdictions about what’s taking place around the U.S. and Canada, and what member boards might want to know. During the Annual Meeting we discussed further details about the Argosy closings, the impact of the closings on future candidates for licensure and the information that will be coming to licensing boards as a result ; the new CoA *Standards of Accreditation* impact on training and transcripts (e.g., certain discipline-specific knowledge may be met in undergraduate training, and certain discipline specific knowledge and/or core competencies may be achieved through cross-cutting coursework versus specific coursework - and how the achievement of this knowledge and these competencies will be demonstrated on the transcript); legislation which bans the harmful practice of conversion therapy that has been introduced and passed in a number of our jurisdictions; a standardized taxonomy for specialties which could guide training and assist licensing boards in evaluating key issues such as scope of practice; etc. We hope that this new

feature of our meetings will be helpful to member jurisdictions in being able to anticipate what might be ahead.

Our 2020 Midyear Meeting in Montreal will build on the work that attendees began at the 2019 Annual Meeting. Hopefully this summary captures the highlights of the shared wisdom that occurred at the Annual Meeting in Minneapolis. For those who were not present, and for those who were, please contact Cindy Olvey, Chair of the 2020 Midyear Meeting or Gerald O'Brien, who will be Chair of the 2020 Annual Meeting, with further thoughts, suggestions or insights about these issues. The work that began in Minneapolis was extremely energizing, and we hope that this energy remains and carries us forward together in our critical work of public protection. ASPPB will be sending updates prior to the 2020 Midyear Meeting so that our jurisdictions will be prepared to "work" once we get to Montreal.

Again, please note that all Annual Meeting presentations are available on the ASPPB website. For assistance with logging on and accessing the information, please contact Stacey Camp (scamp@asppb.org).

Derr, Lacey E (CED)

From: ASPPB BARC <ASPPB-ADMINS@LISTSERV.ASPPB.ORG> on behalf of Janet Pippin Orwig <jorwig@ASPPB.ORG>
Sent: Friday, November 22, 2019 4:50 AM
To: ASPPB-ADMINS@LISTSERV.ASPPB.ORG
Subject: Message from ASPPB CEO
Attachments: validity_of_the_enhanced_epp.pdf; why_the_eppp2.pdf; early_adoption_phase_eppp_p.pdf; exam_overview.pdf; format_of_the_eppp_part_2-s.pdf

Dear Members,

We have learned this week that in the upcoming month there is going to be an article published in the *American Psychologist* that misrepresents the development of the EPPP (Part 2-Skills) examination and voices concerns with the upcoming availability of the examination.

The authors are already sharing this article in a variety of venues, and as a result, it is possible that you might be receiving calls in the near future from individuals voicing concerns about the use of the examination.

It is disappointing that that we were not afforded the opportunity to respond to the narrative prior to it being approved for publication. Such a courtesy would have allowed us the ability to correctly educate interested parties as to how the ASPPB exam development process exceeds standards and represents a valuable, defensible and valid tool for use by regulatory boards.

In an effort to assist you in responding to questions related to the new examination, a number of one-page resource documents have been included with this message.

Please feel free to contact either Dr. Matt Turner (Mturner@asppb.org) or me (mburnetti-atwell@asppb.org) should you have any questions or need additional assistance in the weeks ahead.

Respectfully,

Mariann Burnetti-Atwell, PsyD

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ASPPB

Association of State and
Provincial Psychology Boards

THE EPPP

One Exam, Two Parts:

EPPP (Part 1-Knowledge) and EPPP (Part 2-Skills)



Validity of the EPPP (Part 2-Skills)

Because the EPPP (Part 2-Skills) is a new assessment, ASPPB has received many questions regarding the validity of the exam. The process of development of both the EPPP (Part 1-Knowledge) and the EPPP (Part 2-Skills) follows a rigid content validation methodology that complies with the Guidelines for the Standards in Educational Testing suggested by American Psychological Association (APA), American Educational Research Association (AERA), and the National Council on Measurement in Education (NCME).

Overview of the Process

Job Task Analysis (JTA) - A comprehensive study that involves Subject Matter Experts (SMEs) who are licensed psychologists that establish the knowledge and skills that are required for practice in psychology. The resulting requirements are sent via survey to thousands of licensed psychologists throughout the United States and Canada. The survey respondents indicate which areas are important for entry level practice. The results establish the test specifications (blue print) for the exam. Essentially, the expertise of licensed psychologists establishes what should be assessed by the exam.

Item Writing - SMEs write exam items according to the test specifications established from the JTA. All writers for the EPPP (Part 2-Skills) are licensed in the United States or Canada.

Item Review - Each item is reviewed by an Item Development Committee (IDC) SME in that Domain who is an established expert in that specific area. Items are reviewed in an iterative process between the reviewer and the item writer until the item is acceptable to both or discarded.

Exam Form Review - Each item is again reviewed prior to being placed on an exam by the Examination Committee. This committee is comprised of 10 SMEs who are psychologists that have particular expertise in each of the domains on the exam and represent various areas of psychology practice and training. Items that have been approved by the IDC are again reviewed for accuracy, relevancy to practice, clarity, and freedom from bias, among other factors.

Psychometric Review - Once approved by the Examination Committee, each item is pretested (or beta tested) prior to being an active item that is scored item on an exam. Items that do not perform well during pretesting, according to psychometric standards, are not included on a candidate's overall scores.

Standard Setting - The pass point of the exam is established through a rigorous review process called a standard setting. This involves a committee of SMEs who are licensed psychologists, most of whom are typically early career psychologists. These SMEs review the exam form item by item and provide rating data on difficulty. The data is analyzed to determine the appropriate pass point which represents the minimal knowledge or skills required for entry level practice.

These multiple levels of review by Psychologists and the ongoing analysis of psychometric data ensures that the examination is accurate, relevant, valid and legally defensible.



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Why is the EPPP (Part 2-Skills) needed?

Psychology and most regulated professions have embraced the move to competency and the assessment of competence. Until now, the universal standard across all jurisdictions has been the EPPP (Part 1-Knowledge). This has served its purpose very well for over 50 years. However, adding the EPPP (Part 2-Skills) will provide a more thorough assessment of competence.

Skills assessment has been left to each individual jurisdiction to determine based on their own rules. This is most often done by requiring a number of supervised hours, oral examinations, and letters of recommendations. All of these methods have known reliability concerns.

Licensing Boards are charged with ensuring that candidates approved for licensure are competent to practice. Many jurisdictions would like better information about the skill set of their candidates. The EPPP (Part 1-Knowledge) allows candidates to demonstrate a universal standard of foundational knowledge. The EPPP (Part 2-Skills) will provide a valid, reliable and legally defensible measure for regulators to assess their candidates' demonstration of a universal standard of skills.

Jurisdictions interested in adopting the EPPP (Part 2-Skills) are encouraged to contact Dr. Matt Turner at mturner@asppb.org



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One Exam, Two Parts:

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Early adoption phase of the EPPP (Part 2-Skills)

Q: What is the 'early adoption' phase?

A: Starting on January 1, 2020, licensing boards will have the opportunity to become an Early Adopter of The EPPP (Part 1-Knowledge) and EPPP (Part 2-Skills).

Q: Can I take the EPPP (Part 2-Skills) if I haven't taken the EPPP (Part 1-Knowledge)?

A: No. The EPPP (Part 1-Knowledge) will become the prerequisite for the EPPP (Part 2-Skills).

Q: I've already passed the EPPP (Part 1-Knowledge), do I have to take the EPPP (Part 2-Skills)?

A: ASPPB is recommending that candidates who pass the EPPP before December 31st, 2019, be exempt from taking the EPPP (Part 2-Skills).

Q: I haven't passed the EPPP (Part 1-Knowledge) yet, will I have to take the EPPP (Part 2-Skills)?

A: After January 1, 2020, if you are applying for licensure in an early adoption jurisdiction, then, yes, you will be required to take both parts of the exam.

Q: Who will approve me to sit for the EPPP (Part 2-Skills)?

A: Your state or provincial licensing board will make all decisions about eligibility.

Q: Do I need to score a 500 on each exam?

A: ASPPB's recommended passing score for both portions of the exam is a 500.

Q: How do I know if my state or province is an early adopter?

A: Check with your licensing board, and check our website for updates.

**The early adoption period is:
January 1, 2020 until December 31, 2021**

Candidates from early adopter jurisdictions will be eligible for a reduced exam fee for the EPPP (Part 2-Skills) portion:
(the EPPP (Part 1-Knowledge) fee will remain \$600):

\$100

for Beta Candidates

**not including test center or jurisdictional fees*

\$300

**After the Beta Exam closes,
until 12/31/2021**

**not including test center or jurisdictional fees*

\$450

After 1/1/2022

**not including test center or jurisdictional fees*



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Association of State and
Provincial Psychology Boards

THE EPPP

One Exam, Two Parts:

EPPP (Part 1-Knowledge) and EPPP (Part 2-Skills)

The EPPP will be a two-part exam that more thoroughly assesses the totality of competency of candidates for licensure. This will include:

EPPP (Part 1-Knowledge)

The EPPP (Part 1-Knowledge) is the foundational knowledge exam that is presently in place in all jurisdictions.

This is a critical assessment as it provides licensure boards with information on their candidates general knowledge of psychology. This includes important psychological theories in areas such as cognition, affect, development and general knowledge of intervention and assessment, research, factors impacting psychological functioning as well as many other aspects of the foundational knowledge that psychologists are taught in graduate school.

This will become the prerequisite for the skills-based portion of the EPPP.

EPPP (Part 1-Knowledge): Domains and Weights

1. Biological Bases of Behavior (10%)
2. Cognitive-Affective Bases of Behavior (13%)
3. Social and Cultural Bases of Behavior (11%)
4. Growth and Lifespan Development (12%)
5. Assessment and Diagnosis (16%)
6. Treatment, Intervention, Prevention and Supervision (15%)
7. Research Methods and Statistics (7%)
- 8: Ethical/Legal/Professional Issues (16%)

EPPP (Part 2-Skills)

Starting January 2020, the EPPP (Part 2-Skills) will be used to evaluate the skills of a candidate applying for licensure in Psychology.

This skills-based assessment includes questions about applied, real world situations that psychologists face in practice. This provides valuable information to licensing board as it assesses the candidate's ability to show what they would DO in an applied setting. This has never been assessed through a universal standard across different jurisdictions.

The EPPP (Part 2-Skills) will assess the following areas:

EPPP (Part 2-Skills): Domains and Weights

1. Scientific Orientation (6%)
2. Assessment and Intervention (33%)
3. Relational Competence (16%)
4. Professionalism (11%)
5. Ethical Practice (17%)
6. Collaboration, Consultation, Supervision (17%)

Visit www.asppb.net for information on our other programs:

CPQ

Certificate of Professional
Qualification in Psychology

IPC

Interjurisdictional
Practice Certificate

PLUS

Psychology Licensing
Universal System

PSYPACT

www.psypact.org

EPPP

Score Transfers

PEP

Psychopharmacology Exam
for Psychologists



ASPPB

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Provincial Psychology Boards

THE EPPP

One Exam, Two Parts:

EPPP (Part 1-Knowledge) and EPPP (Part 2-Skills)



Format of the EPPP (Part 2-Skills)

The EPPP (Part 2-Skills) provides information on candidate understanding of how to proceed in applied situations. This is done by presenting case situations, or real world information, in a variety of item formats including:

- Multiple Choice:** Candidate must choose the best choice of 3 responses.
- Multiple Choice/
Multiple Response:** Candidate will be allowed to choose more than one response from a series of possible answers. For example, select 2 of 5 options.
- Scenarios:** Presents information from an applied situation. Scenarios have up to 3 “Exhibits” which present additional information. This can be an animation, a description of an interview, a test protocol, or other data that adds information. Each Exhibit can have up to 5 questions that pertain to that part of the scenario.
- Point and Click:** A graphical image is presented (ie. A test protocol, a business card, an advertisement, a letter, etc.) and the candidate may select one or more areas on the image to indicate a response to the question.
- Drag and Drop:** Matching multiple appropriate stimuli on the left side of the screen to an appropriate response on the right side of the screen.

The EPPP (Part 2-Skills):

Questions: 170

Exam Time: 4 hr 15 min

Exam Breakdown:

Multiple Choice or Multiple Choice Multiple Response:	45%
Scenario Based Questions:	45%
Other Item Types:	10%

AKPA Model Licensing Committee White Paper
on
Psychologist License Classifications

BACKGROUND

A review of minutes of the Board of Psychologist and Psychological Associate Examiners (the Board) dated July 2015, indicated members of the Board are aware that current wording of “lapsed” or “surrendered” licenses had a negative connotation in some jurisdictions and that some consideration of license designations of “inactive” and “retired” might be more appropriate. A review of the current statutes authorizing the Board and its work indicates the definitions and use of the terms “inactive” and “retired” are not now in use.

In the past year, a member of AKPA, Dr. Martin Atrops, brought this very issue to the Board of Directors (BOD) of AKPA. Upon consideration of the issue and recognizing that AKPA has plans to potentially provide a legislative vehicle for statute changes needed to support this licensing classification change, the license classification issue was referred to the model licensing committee for further development. Dr. Jana Zeedyk, President of AKPA, reported to the Licensing Board at a previous Board meeting that AKPA was interested in pursuing the matter. This white paper is a follow-up to that previous communication.

A preliminary review of licensing classifications in other states indicates that inactive and/or retired licenses are fairly common. Definitions and statutes or regulations supporting the classifications vary widely though. In general, inactive license classifications provided a pathway for resumption of active provision of psychological services. There was typically a continuing education requirement as well as various attestations required by the Board. Retired licenses did not provide for a pathway to return to practice. In the states reviewed, these license classifications were associated with a substantially lower fee. The ASPPB model licensing language includes both inactive and retired designations following the model of a pathway back to active practice for inactive and not for retired. The model licensing act promulgated by APA includes reference to inactive status with a pathway back to active status. The APA model act does not address a retired classification. After reviewing all materials, the committee put forth two proposals relating to psychology license classifications.

PROPOSALS AND RATIONALE

Proposal #1 - Adding an Inactive License Classification

AKPA proposes adding a new license classification to statutes governing the practice of psychology titled “Inactive.” The APA Model Licensing Act notes “psychologists who are on military assignment outside the state, suffering from health problems, on sabbatical, retired, or who move to another state may wish to be on inactive status. Relieving the psychologist from paying the fee will make it possible for that person to remain in good standing without being an

active practitioner.” AKPA’s MLA Committee believes that Alaska’s psychologists and psychological associates could benefit from an opportunity to step away from professional practice without a penalty for any number of personal reasons. The opportunity offers a compassionate chance for license holders to step away when life brings other priorities than professional practice. By affording this opportunity to providers of psychological services, a way becomes available to step away when there are overwhelming issues competing with the ability to provide direct service. Because so many of life challenges as well as opportunities also carry financial burdens, it is recommended that the inactive status license fee be minimal. We also recommend the easiest possible pathway to returning to active license status. Below is possible language for legislation and regulation development. The committee notes that the ASPPB’s limit on an inactive license of three years total may or may not be a viable option for Alaska given our biennial re-licensing period.

Here is APA’s suggested statute language:

A psychologist in good standing who will not be practicing in the state for at least one year may petition the Board to have his or her license placed on inactive status without a penalty. When such psychologists wish to return to practice, an application shall be made to the Board, which shall reinstate him or her upon payment of the registration fee for the current year.

Here is ASPPB’s suggested regulatory language:

Inactive License

- a) A licensee with an active license may apply to the Board for inactive licensure status by submitting a written request. A psychologist on inactive status is required to pay the renewal fee for an inactive license.*
- b) If there are any unresolved professional or ethical complaints, inactive status will be denied. A licensee may not use inactive status to circumvent the authority of the Board.*
- c) A psychologist who holds an inactive license may not practice psychology but may continue to use the title “psychologist”.*
- d) A psychologist who holds an inactive license continues to be subject to the statute and/or regulations of the Board.*
- e) Inquiries concerning the credentials of a psychologist who holds an inactive license shall be honored by the Board.*
- f) Inactive status must be at least one (1) year but not longer than three (3) years. The Board may for good cause reactivate a license that has been inactive for less than one (1) year with the payment of applicable fees. If less than three (3) years has passed, in addition to meeting all current requirements governing reactivation of an inactive license, the licensee shall take and pass the jurisprudence examination. A licensee may reactivate his/her license by making application to the Board. The Board shall reactivate the license based on:
 - i. Documentation of compliance with the CPD requirements during the renewal period immediately preceding the request for reinstatement.*
 - ii. A signed statement certifying that the licensee has neither practiced psychology nor violated any of the statutes or regulations of the Board since the date on which**

- the license was first placed on inactive status.*
- iii. Proof of no criminal conviction or any disciplinary action taken against the licensee by any licensing Board or agency during the period of inactivity.*
 - iv. Proof of no violations of applicable statutes and/or regulations.*
 - v. Completion of a criminal history background check and/or child abuse clearance.*
 - vi. Payment of any outstanding administrative fines.*
 - vii. Payment of applicable reactivation fees.*
- g) After three (3) years, an inactive license expires.*

The committee notes there are a number of states that do not place an arbitrary three year limit on inactive licenses. It would seem that if the inactive licensee is able comply with reinstatement requirements, there is no need for an arbitrary limit of 3 years. Language from Texas' licensing statutes/regulations reflects this:

The inactive status may be extended for additional increments of two years if, prior to the end of each two-year period, the person notifies the Board in writing that an extension is requested and submits proof to the Board of continuous licensure by a psychology licensing board in this or another jurisdiction for the past two-year period and payment of all required fees. Licensees may indefinitely remain on inactive status if he/she is licensed in this or another jurisdiction and complies with the extension requirements set forth in this paragraph. Any licensee wishing to reactivate his/her license that has been on inactive status for four years or more must take and pass the Jurisprudence Exam with the minimum acceptable score as set forth in Board rule §463.14 of this title (relating to Written Examinations) unless the licensee holds another license on active status with this Board.

Proposal #2 - Add a Senior Psychologist License Classification

Our proposal is to create a “senior” license category that would require no changes other than a substantially reduced licensing fee for older licensees who meet certain age and practice criteria. The aim of the reduced fee is to allow longtime practicing psychologists and psychological associates to continue to practice psychology and to use the title “psychologist” or “psychological associate” irrespective of the number of hours the licensee engages in practice prospectively.

Many psychologist and psychological associates spend decades developing a professional identity while they serve the public by providing an assortment of psychological services. A major aim of professional psychology education relates to socializing students into the profession as they develop required competencies by way of supervision, teaching, and consultation. Being available to students and trainees in these roles requires licensure. It is a mainstay of professional training to assume that a strong professional identity leads to greater competency in the delivery of services. In this sense, protection of the public is enhanced when practitioners have a strong professional identity in addition to requisite knowledge and skills. As psychologists and psychological associates age within the profession, an immense wealth of knowledge regarding the delivery of psychology services in Alaska accrues. At the same time,

psychologists and psychological associates may find themselves wanting to make plans to practice less as they age, but find there is no middle ground between being licensed and not licensed. The fee reduction proposal for senior-level licensees creates that middle ground.

Alaska has done well in developing a strong tittle/practice act that does a good job of defining the profession and protecting the public. However, the definition of the practice of psychology is so broad as to mean that individuals wanting to turn their attention from direct to service to other directions within the profession of psychology have the potential of running afoul of the definitions of the practice of psychology. As the “retired” license status was considered, it became clear it would be a license in name only, that individuals having such a license would essentially be prohibited from sharing or using their accumulated wealth of knowledge unless they had an active license to practice in Alaska. Activities such as speaking engagements regarding psychology, support of professional associations, organizational contributions like board memberships, serving on municipal boards and commissions would be prohibited if the individual were to opine on issues of applying professional psychology interventions or research, or even to casually refer to her/himself as “Dr. *****, Psychologist.” at any time in Alaska.

Rather than limit the contributions such psychologists and psychological associates can continue to make to the benefit of Alaska and Alaskans, the committee is suggesting:

Upon reaching the age of 65, and after practicing as a licensed psychologist or psychological associate in Alaska for at least ten years with no history of adjudicated license infractions while licensed to practice psychology or a related profession in any jurisdiction at any time since first licensed in any jurisdiction (including resignations from licensure when facing a credible threat of adjudication for a license infraction), psychologists and psychological associates shall pay a license fee discounted 50% from the license fee for younger colleagues licensed as psychologists and psychological associates, respectively. Psychologists and psychological associates qualifying for this discount shall meet all other requirements for license renewal including but not limited to continuing education requirements.

Such a system would keep the protection of the title and practice in place, assure ongoing competence, and would reduce the financial burden that might prohibit “senior” psychologist and psychological associates from being available to the benefit of the public. No statutory or regulatory language is for such a policy is available from APA or ASPPB.

Financial Rationale for License Fee Reduction (licensed 10+ years; 65-yoa):

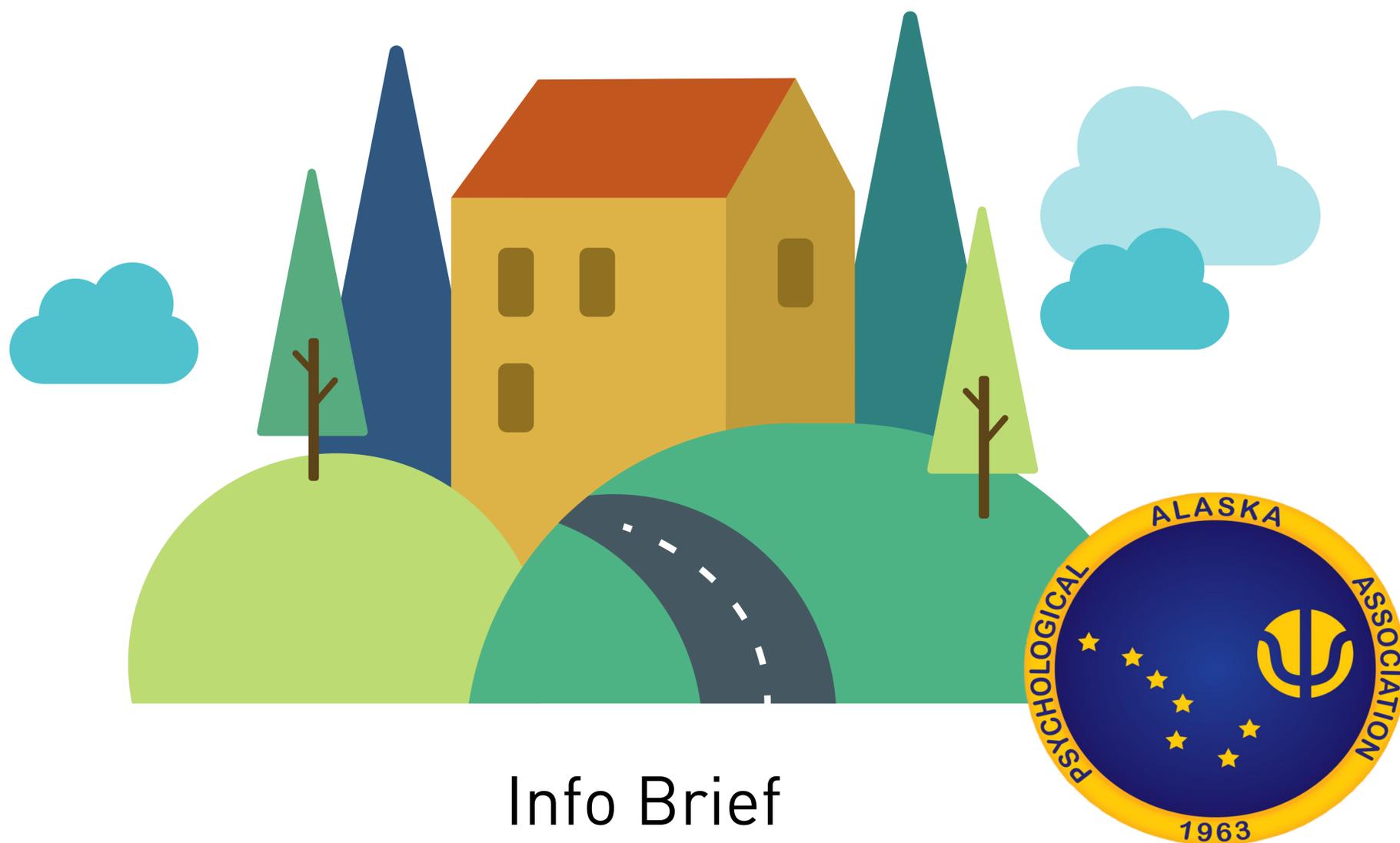
The license fee paid to the State of Alaska is designed to pay the actual costs associated with administering the license. Historically a significant portion of the license fee has resulted from adjudicating alleged license violations. Psychologists and psychological associates who have paid the full licensing fee for a decade or more and who have never been adjudicated as having violated any terms of any mental-health related license throughout their career have not been a source of this portion of the administrative expense for licensure and are unlikely to become a

source of this administrative expense - to the extent past behavior is predictive of future behavior.

A reduced licensing fee for older psychologists who want to maintain a license is in the State's best interest for many reasons and is premised on sensible accounting principles.

CONCLUSION

Bringing these proposals to fruition would provide options for both actively practicing psychologists and psychological associates at any point in their career, as well as supporting those who are nearing the end of their professional arc. National professional organizations support an inactive license classification and have offered model legislative and regulatory language to facilitate such a classification. Numerous states have such a license classification and it appears that this has become a "standard of practice."



Info Brief

APA's Model Licensure Act



17 states have already adopted the Model Licensure Act (MLA)

The American Psychological Association (APA) and The Association of State and Provincial Psychology Boards (ASPPB) have developed codes of ethical behavior and model licensure acts.

This is the 5th iteration of the Model Act - which is a prototype for creating state legislation that regulates the practice of psychology. The current MLA was approved by the APA Council in 2010.

The MLA documents provides a roadmap, including policies, to inform state licensure law. The MLA is a guide to support state licensing boards in drafting their own rules and regulations.

Continue reading...

To view the APA Model Act for State Licensure of Psychologists please visit:
www.apa.org/about/policy/model-act-2010.pdf

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Why adopt the MLA?

The MLA can be adopted in part or in full. It is meant to act as a guide and support. At least 17 states (i.e., Connecticut, Washington, Ohio, Pennsylvania, Wyoming) have already adopted these licensure requirements.

Why be in favor this change?

- It reflects the increasing number of **supervised hours for students** in doctoral programs; schools better preparing students
- Hours required for licensure are not decreasing, instead there is **flexibility** in when these hours can be accumulated and accounted for
- The experience students gain during predoctoral training is not necessarily more valuable than postdoctoral hours
- Allows **students to be licensed earlier**

- The **quality** of licensees and prospective licensee remains the same
- Early career psychologists (ECPs) can begin **billing and earning income sooner**
- **Institutions benefit** because ECPs can bill insurance for services
- **Greater mobility** for psychologists in other states
- Help fill the **demand for psychologists in rural areas**

APA - www.apa.org/careers/early-career/licensure/guidance.aspx



Provides much needed **financial relief to ECPs** who graduate with debt, median debt for PhD graduates (75k) and PsyD graduates (200k)

How do I learn more?

The Alaska Psychological Association (AK-PA), your state psychological association, has started a committee to inform psychologists and members across the state about the MLA .

We have also begun critical advocacy work and are communicating with our state psychology board. In those states who have already initiated the MLA, the proposed changes in licensure were not significantly opposed. However, the process required collaboration with stakeholders, review of regulations, and developing a strategic plan.

You can read more about the process and experiences of other states that have recently updated their licensure requirements at: www.apa.org/careers/early-career/licensure/case-studies.aspx

Stages of the Process

APA has provided a guidance document that outlines the key stages of the process, informed by the case studies and experiences of other states. On average, it took 1.5 years for states to go through these stages if they chose to adopt all or parts of the MLA.

We have summarized the APA's guidance document here, but to read the document in its entirety please visit: www.apa.org/careers/early-career/licensure/guidance.aspx

1: Contemplation

Research MLA. Beginning discussions about changing licensure requirements in collaboration with stakeholders. Form a committee/task force.

2: Preparation

Prepare data and evidence to support decision for changing. Identify suggested regulatory changes. Obtain testimonials (e.g., graduate students, ECPs). Stakeholders agree with strategic plan. Connect with legislators.

3: Action

Articulate strong argument. Engage legislators and lobbyists to push for adoption of change and get amendment/bill adopted. Timelines are critical.

4: Implementation/ Maintenance

Once passed, regulations can be updated. Communicate with regulators on the process and set milestones within a timeline.

The easiest way to get involved with any of the work being done by AK-PA's committees is to send us an email letting us know you're interested!

www.ak-pa.org/about/get-involved/



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American Psychological Association

Model Act for State Licensure of Psychologists

Adopted by Council as APA Policy 2/20/2010

As APA policy, the Model Act serves as a prototype for drafting state legislation regulating the practice of psychology. State legislatures are encouraged to use the language of this document and the policies that it espouses as the model for their own state licensure law. Inevitably each state law will reflect compromises and changes particular to that state, but the APA Model Act is meant to serve as a guide for those involved in the drafting process. State licensing boards must develop their own rules and regulations to supplement the legislation proposed here. This document also serves to educate legislatures about psychology training and practice and serves to synthesize APA policies that bear on the education, training, and practice of professional psychology.

This is the fifth set of guidelines for state legislation regulating the practice of psychology that has been developed by the American Psychological Association (APA). The first model for such regulation was developed and adopted as APA policy in 1955 (APA, 1955).

The 1955 guidelines stood for 12 years, during which the number of states enacting licensure legislation grew from 9 to 32. In 1967 the APA Committee on State Legislation (COSL) prepared the first revision of the guidelines. That revision was more comprehensive, provided more detailed guidance, and covered more issues relating to regulation of the practice of psychology, while reaffirming the basic concept found in the 1955 model (APA, 1967).

By 1977 all states and the District of Columbia had enacted licensure legislation. APA's Council of Representatives then determined that the model approved in 1967 was outdated and directed COSL to undertake a revision. However, in January 1979 the Council of Representatives failed to approve the revised model guidelines, leaving the 1967 guidelines to remain as APA policy. In 1984 the Council of Representatives directed the Board of Professional Affairs (BPA) to develop another revision of the existing 1967 model for the Council's consideration. BPA, in turn, directed its Committee on Professional Practice (COPP) to prepare it.

This document was approved by the Council of Representatives in February, 1987.

In 2006, at the recommendation of the Board of Professional Affairs and the Committee for the Advancement of Professional Practice, the APA Board of Directors and Council of Representatives funded a Task Force to undertake the revision of the 1987 model act. The existing model act did not reflect the developments in professional practice that had occurred over the preceding 20 years. Specific developments included some psychologists obtaining prescriptive authority, changes in the provision of industrial/organizational and consulting psychology that could make it desirable for those psychologists to be licensed, and changes in the recommended sequence of education and training for psychologists. The Task Force undertook this effort beginning with a comprehensive review of the 1987 document as well as relevant APA policies and other documents. Draft revisions were circulated for review and a 90-day public comment period ensued. Changes were made to the document based on commentary received. A second public comment period ensued and another review by governance groups followed by additional changes to the document occurred prior to the document being approved by Council in February 2010.

Each section of the proposed Model Act is introduced by commentary, the purpose of which is to explain the rationale for the proposed section that follows. To differentiate between the commentary and the proposed statutory language, the latter is *italicized*.

A. Declaration of Policy

This section declares that the intent of legislation for state licensure of psychologists is to ensure the practice of psychology in the public interest. The consumer should be assured that psychological services will be provided by

licensed and qualified professionals according to the provisions of this act. The public must also be protected from the consequences of unprofessional conduct by persons licensed to practice psychology.

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

B. Definitions

Definitions provide consistent interpretation throughout the Act without unnecessary repetition of terms. Thus “Board,” once defined in this section, can subsequently be cited with the same meaning as presented in the definition.

In defining “institution of higher education,” it is further recognized that many foreign institutions prepare psychologists for professional practice, and provision should be made to accommodate them in Board regulations.

Psychological services should be described adequately and specified in order to identify clearly the areas of psychological services, provided to individuals, groups of individuals, or organizations, that require qualified and sound professional psychology practice. There can be a legitimate use for technology-supported services, such as electronic or telephonic means. All such activities must operate according to appropriate APA Ethical guidelines and Board regulations.

1. “Board” means the (name of state) State Psychology Board.

2. “Institution of higher education” means any regionally accredited institution of higher education in the United States, including a professional school, that offers a full-time doctoral course of study in psychology that is acceptable to the Board. For Canadian universities, it means an institution of higher education that is provincially or territorially chartered.

3. “Practice of psychology” is defined as the observation, description, evaluation, interpretation, and modification of human behavior by 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 performance, or (c) assisting in legal decision-making.

The practice of psychology includes, but is not limited to, (a) 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; (b) counseling, 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, accident, injury, or disability; (d) psychoeducational evaluation, therapy, and remediation; (e) consultation with physicians, other health care professionals, and patients regarding all available treatment options, including medication, with respect to provision of care for a specific patient or 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) the supervision of any of the above. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered. (See Section G for Limitation of Practice and Maintaining and Expanding Competence and Section J for Exemptions.)

4. “Psychologist” means (a) any person licensed as a psychologist under this Act and (b) any general applied psychologist (see 5b below) whose practice areas are specifically exempted under this act, and includes a person representing himself or herself to be a psychologist if that person uses any title or description of services incorporating the words psychology, psychological, or psychologist, or if he or she uses any term that implies that

he or she possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or groups of individuals services defined as the practice of psychology in this Act. The title "psychologist" is also used by psychologists who are exempt from licensure as specified in Section J of this Act in their roles as teachers, researchers and/or general applied psychologists acting outside the licensed scope of practice.

5. "Applied psychologist" is one who provides services to individuals, groups, and/or organizations. Within this broad category there are two major groupings – those who provide health-related services to individuals and those who provide other services to individuals and/or services to organizations. Although licensure is generic, some of the Board's Rules and Regulations need to account for variations in relevant training, supervision, and practice.

a. "Health service provider" (HSP)

Psychologists are certified as health service providers if they are duly trained and experienced in the delivery of preventive, assessment, diagnostic, therapeutic intervention and management services relative to the psychological and physical health of consumers based on: 1) having completed scientific and professional training resulting in a doctoral degree in psychology; 2) having completed an internship and supervised experience in health care settings; and 3) having been licensed as psychologists at the independent practice level.

b. "General applied psychologist"

General applied psychologists provide psychological services outside of the health and mental health field and shall include: 1) the provision of direct services to individuals and groups, using psychological principles, methods, and/or procedures to assess and evaluate individuals on personal abilities and characteristics for individual development, behavior change, and/or for making decisions (e.g., selection, individual development, promotion, reassignment) about the individual, all for the purpose of enhancing individual and/or organizational effectiveness; and 2) the provision of services to organizations that are provided for the benefit of the organization and do not involve direct services to individuals, such as 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.

6. "Specialty" is a defined area of psychological practice which requires advanced knowledge and skills acquired through an organized sequence of education and training. The advanced knowledge and skills specific to a specialty are obtained subsequent to the acquisition of core scientific and professional foundations in psychology.

7. "Developed areas of practice" have all of the following characteristics:

- National recognition of the practice area by a national organization(s) whose purpose includes recognizing or representing and developing the practice area, by relevant divisions of the APA, or by involvement in similar umbrella organizations;
- An accumulated body of knowledge in the professional literature that provides a scientific basis for the practice area including empirical support for the effectiveness of the services provided;
- Representation by or in a national training council that is recognized, functional, and broadly accepted;
- Development and wide dissemination by the training council of doctoral educational and training guidelines consistent with the Accreditation Guidelines & Principles;
- Existence of the practice area in current education and training programs;
- Geographically dispersed psychology practitioners who identify with the practice area and provide such services.

8. "Emerging area of practice" is one that meets some but not all of the six requirements for a developed area of practice, or does not meet some of the requirements completely (e.g., there is some professional literature providing a scientific basis, but not an "accumulated body of knowledge" in that literature).

9. "Client" or "patient" is used to refer to the direct recipients of psychological services, which may include child, adolescent, adult, older adult, couple, family, group, organization, community, or any other individual. In many situations there are important and valid reasons for using such terms as consumer or person in place of client or

patient to describe the recipients of services. In some circumstances (e.g., an evaluation that is court-ordered, requested by an attorney, an agency, or other administrative body), the client may be the retaining party and not the examinee.

C. State Psychology Board

Legislation concerning the membership of the State Psychology Board should designate a sufficient number of members to accomplish the work of the Board, as well as make provisions for the appointment of public members. The appointing authority shall ensure that specialties in psychology are represented, as well as trainers and practitioners, both in health care and general applied psychology. A minimum of six psychologists plus one public member is recommended.

Public (consumer) members on boards is a recognition of the impact of consumerism on the current functioning of boards. A public member is recommended in order to ensure the representation of the public; that is, the recipient of psychological services. Members should be appointed at staggered times so that the entire group of members is not replaced at any one time.

There is hereby created the (name of state) State Psychology Board. The Board shall consist of minimally six licensed psychologists and one public member. Members should be representative of teaching, training, and the professional practice of psychology. Psychologist Board members shall be licensed to practice in this state. Each psychologist serving on the Board shall have a minimum of five years of post-licensure experience. Board members shall reflect a diversity of practice specialties, both in health care and other applications.

Board members shall be appointed who are free from conflicts of interest in performing the duties of the Board. A public member shall not be a psychologist, an applicant or former applicant for licensure as a psychologist, a member of another health profession, or a member of a household that includes a psychologist, or otherwise have conflicts of interest or the appearance of such conflicts with duties as Board members. Appointments to the Board shall be made by the duly constituted appointing authority in this state. The appointing authority in this state shall solicit nominations from psychological organizations and licensed psychologists in this state. The term of office shall be five years, with provision for reappointment for one additional term. Lengths of terms of Board members shall be staggered.

It is clear that the Board will need, from time to time, to adopt or delete rules and regulations to carry out the provisions of the Act that establish and enable the Board to operate. It is wise to have this authority clearly established within the Act.

In addition to the powers set forth elsewhere in this Act, the Board may adopt rules and regulations to carry out the provisions of this Act.

In general it is desirable for the Board to be self-supporting. Self-generated fees should be sufficient to cover all costs. This avoids the necessity of the Board's returning to the budgetary authority for approval each time fees must be increased in order for the Board to remain self-supporting. Boards should consider carefully the various elements of expense in establishing fees. Items such as overhead, examination costs, travel and per diem, disciplinary proceedings, and other expenses should be considered.

The Board shall, from time to time, establish reasonable fees for 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 maintaining the Board.

It is important to have within the Act a statement that a member of the Board shall not be civilly liable for any act performed in good faith and within the scope of duties of the Board. It should be noted that such a statement does not pertain to any criminal charges brought against a member of the Board. Though individual members of the Board will not be held civilly liable, individuals may pursue legal action against the Board under any applicable state laws, such as, for example, under any administrative procedure act.

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

D. Requirements for Licensure

There is a core of basic theory, principles, and accumulated knowledge that all professional psychologists should possess. Each practitioner must also master the specific skills and knowledge appropriate for the competent performance of psychological practice. The language of the model requires the Board to specify its criteria for acceptable professional education in psychology. In this regard, the Board will be guided by national standards.

All applicants for licensure must minimally be graduates of a regionally accredited institution of higher education, or a Canadian university that is provincially or territorially chartered, and must have completed a planned program of study which reflects an integration of the science and practice of psychology. **A formal training program accredited by the American Psychological Association or Canadian Psychological Association is required.** For areas of psychology where APA or CPA program accreditation does not exist, psychology programs must meet all the requirements listed below (D1).

The law recognizes that new doctoral programs may be developed in newly or already recognized specialties of professional psychology. In such instances, the law affords those programs an eight-year period in which to achieve accreditation or to meet the standards described in D1, during which the graduates of those programs may sit for licensure.

1. Educational requirements

The Act recognizes the doctorate as the minimum educational requirement for entry into professional practice as a psychologist.

Applicants for licensure shall possess a doctoral degree in psychology from a regionally accredited institution of higher education or from a Canadian university that is provincially or territorially chartered. The degree shall be obtained from a recognized program of graduate study in psychology as defined by the rules and regulations of the Board.

Applicants for licensure shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA) or where APA or CPA program accreditation does not exist for that area of professional psychology, then the applicant must show that his or her doctoral program in psychology meets all of the following requirements:

1. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education. A regionally accredited institution is an institution with regional accreditation in the United States or an university that is provincially or territorially chartered in Canada.

2. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

3. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

4. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

5. The program must be an integrated, organized sequence of study.

6. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities and a psychologist responsible for the program.

7. The program must have an identifiable body of students who are matriculated in that program for a degree.

8. The program must include supervised practicum, internship, field or laboratory training appropriate to the individual's chosen area of practice of psychology.

9. The curriculum shall encompass a minimum of three academic years of full time graduate study and a minimum of one year's residency or the equivalent thereof at the educational institution granting the doctoral degree. The core program shall require every student to demonstrate competence in each of the following substantive areas. Some content areas may appropriately be taught by integrating content across the curriculum, or this requirement may be met through substantial instruction in each of these foundational areas, as demonstrated by evidence of an integrated curriculum or a minimum of three graduate semester hours, 4.5 or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of fifteen hours of classroom instruction per semester hour), or the equivalent:

a. scientific and professional ethics and standards;

b. research design and methodology;

c. statistics;

d. psychometric theory;

e. biological bases of behavior: such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, physical ergonomics, or psychopharmacology;

f. cognitive-affective bases of behavior: such as learning, thinking, motivation, emotion, memory, cognitive information processing, or social cognition;

g. social bases of behavior: such as social psychology, group processes, organizational and systems theory; and

h. individual differences: such as personality theory, human development, personnel psychology, or abnormal psychology.

10. All professional education programs in psychology shall include course requirements in developed practice areas/specialties.

11. The program must demonstrate that it provides training relevant to the development of competence to practice in a diverse and multicultural society.

When a new area of professional psychology is recognized as being a developed practice area and within the accreditation scope of the APA, doctoral programs within that area will be afforded a transition period of eight years from their first class of students to the time of their accreditation. During that transition period, graduates of such programs may sit for licensure examination whether or not the program has been accredited. The same principle applies as well to new doctoral programs in traditional practice areas previously recognized within the scope of APA accreditation.

Applicants trained in institutions outside the United States shall meet requirements established by the Board.

Psychologists trained in an area that falls outside the scope of APA accreditation (e.g., experimental, developmental, social) and who intend to practice in a traditional or developed practice area must complete a retraining program and/or appropriate supervised experience (e.g., internship in the developed practice area). Similarly, psychologists trained in HSP programs who intend to practice in general applied psychology non-exempt areas and psychologists trained in general applied psychology areas who intend to provide health services must first acquire the appropriate training and supervision.

2. Experience requirements

APA recommends that legislation requires the equivalent of two full-time years of sequential, organized, supervised, professional experience prior to obtaining the license. This training may be completed prior or subsequent to the granting of the doctoral degree. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be a predoctoral internship which may be completed as a part-time intern over a two-year period provided that the total experience is the equivalent of one year of full-time experience. By seven years post adoption of these regulations, all licensure applicants prepared for

practice in the health services domain must minimally have completed an APA or CPA accredited (or equivalent) predoctoral internship. For applicants prepared for practice in the general applied (non-HSP) domain of psychology, whose graduate programs may not have formal internships, the option to obtain all supervision post doctorally should be available. In rules and regulations, the Board must define acceptable supervised experience at the predoctoral and postdoctoral levels as well as mechanisms for evaluation of this experience. Boards are encouraged to create definitions that are flexible and capture the variety of training and supervisory models that are appropriate for both HSP and GAP practice. Psychologists are required to limit their practice to their demonstrated areas of professional competence. Experience should be compatible with training.

To obtain licensure, applicants shall demonstrate that they have completed the equivalent of two full-time years of sequential, organized, supervised professional experience. For applicants prepared for practice in the health services domain of psychology, one of those two years of supervised professional experience shall be an APA or CPA accredited (or equivalent) predoctoral internship. For applicants prepared for practice in the general applied domain of psychology, whose graduate programs may not have formal internships, the option to obtain all supervision post doctorally should be available. The criteria for appropriate supervision shall be in accordance with regulations to be promulgated by the Board. Experience shall be compatible with the knowledge and skills acquired during formal doctoral and/or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice. General Applied (non-HSP) Psychologist trainees may be supervised by an appropriate licensed psychologist outside the supervisee's place of employment so long as (a) the supervisee's employer engages the licensed supervisor to provide the required supervision; and (b) the supervisor assumes responsibility for the training of the supervisee. Applicants shall be required to show evidence of good character, e.g., that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed.

3. Examinations

APA recommends that the Act specify the requirements for examination and the conditions under which the Board is authorized to waive examination. All examinations serve the purpose of verifying that a candidate for licensure has acquired a basic core of knowledge in the discipline of psychology and can apply that knowledge to the problems confronted in the practice of psychology within the applicant's area of practice as a health service provider or general applied psychologist. While written examinations typically evaluate the applicant's basic core of knowledge, any additional examinations such as oral examinations or work samples shall be representative of the applicant's area of practice. Boards should clearly specify the conditions under which the endorsement of another license will be granted.

The Board shall administer examinations to qualified applicants on at least an annual basis. The Board shall determine the subject matter and scope of the examination and shall require a written, and may require an oral, examination of each candidate for licensure. The written examination shall evaluate the basic core of knowledge in the discipline of psychology necessary to practice while any oral exams or work samples shall be representative of the applicant's area of practice as either a health service provider or general applied psychologist. The Board at its discretion, according to rules and regulations promulgated by the Board, may waive said examination of candidates for licensure. It is recommended that individuals applying for licensure be eligible to sit for the examination upon completion of all the requirements of the doctoral degree.

4. Prior credentials

APA recommends that the Act provide for continued licensure of persons already licensed as a psychologist at the time of enactment of a new law.

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.

5. Applications from individuals licensed in other jurisdictions

Jurisdictions are strongly encouraged to adopt regulations to facilitate the mobility and portability of licensure. Jurisdictions may set criteria to determine conditions under which verification of education, experience, and examination requirements will be waived. These criteria may include holding a credential that verifies education and experiences of individuals (e.g. American Board of Professional Psychology (ABPP), National Register of

Health Service Providers in Psychology, Association of State and Provincial Psychology Boards' Certificate of Professional Qualification in Psychology (ASPPB's CPQ)), or Board determination that the criteria of the other jurisdiction are comparable to the Board's criteria, or other specified mechanism.

An individual applying for licensure with the Board who holds an active psychology license in another jurisdiction and shows evidence of good character is considered an eligible candidate for licensure in the jurisdiction. The Board may waive verifying the education, experience, and examination requirements for individuals who meet these criteria and for whom the Board's mechanism for verifying comparability of education, experience, and examination requirements is met. The Board retains the right to administer any required jurisdiction-specific examinations (written, oral, jurisprudence) prior to awarding the license.

E. Interstate Practice of Psychology

Psychologists may have legitimate interests in practicing in another jurisdiction for a limited amount of time. This section provides for limited practice in a jurisdiction other than the state in which the psychologist is licensed. This is not intended to eliminate the necessity for licensure for those who are setting up a regular professional practice in that jurisdiction. The psychologist must have an earned doctoral degree and be licensed in another jurisdiction.

Interjurisdictional practice is particularly critical for the practice of general applied psychology as frequently this involves activities crossing jurisdictional lines, such as engaging with employees of organizations operating in several jurisdictions. For those activities that fall under the licensed scope of practice of psychology, the provider of general applied psychological services should indeed be licensed. However, since increasingly, the provision of such services frequently does not involve face-to-face meetings but rather, these services are being provided telephonically and electronically across state lines, this section recognizes this practice and permits the provision of general applied psychological services in this manner provided that the provider of the services is licensed in at least one jurisdiction and is not using this section to avoid the requirement of licensure entirely.

Mechanisms may be developed to alleviate some of these difficulties and provide for easy interstate recognition of licensure. Jurisdictions are encouraged to adopt and implement such mechanisms as appropriate.

Nothing in this Act shall be construed to prohibit the practice of psychology in this state by a person holding an earned doctoral degree in psychology from an institution of higher education who is licensed or certified as a psychologist under the laws of another jurisdiction, provided that the aggregate of sixty (60) days per year of professional services as a psychologist under the provision of this subsection is not exceeded. Prior to providing services in this state, a doctoral level licensed psychologist from another jurisdiction should provide written notice to the Board of the type of services to be provided, approximate duration of such services along with documentation of licensure and consent to operating under the jurisdiction, law, and regulations of this state. Notice does not require approval of the Board prior to delivery of service if the aggregate of 60 days of services is maintained and the individual does not establish an ongoing, regular, professional practice in the jurisdiction.

Nothing in this Act shall be construed to prohibit an individual not domiciled in the state who does not practice psychology in an office or other place of business in the state from providing general applied psychological services telephonically and electronically if the individual holds an earned doctoral degree in psychology from an institution of higher education and is licensed or certified as a psychologist under the laws of another jurisdiction. Written notice is not required for the interjurisdictional provision of general applied psychological services that are delivered solely by telephonic or electronic means.

In disaster situations the time frame and conditions under which psychologists will provide disaster services in the jurisdiction will be defined by the Board.

To the extent that the jurisdiction has adopted the Uniform Emergency Volunteer Health Practitioners Act, it will apply in times of disaster.

F. Temporary Authorization to Practice

This portion of the Act provides for the conditions under which a licensed psychologist may practice until obtaining licensure in another jurisdiction. Jurisdictions are encouraged to adopt regulations to facilitate the mobility and portability of licensure. Provision is also made for the Board to waive examination if the requirements met by the psychologist in the original jurisdiction are judged to be equivalent to those in this state.

A psychologist holding a current, active license or certification under the laws of another jurisdiction may be authorized by the Board to practice psychology as defined in this Act for a maximum of one year, provided that the psychologist has made application to the Board for licensure and has met the educational and experience requirements for licensure in this state. Denial of licensure terminates this authorization. The Board may choose to waive examination if a psychologist is licensed in another jurisdiction on the basis of qualifications that are not less than those required for licensure in this state.

G. Limitation of Practice; Maintaining and Expanding Competence

This provision of the Act is intended to ensure licensed psychologists who provide services will not practice outside the limits of their competence. The burden of proof is on the applicant to provide evidence, acceptable to the Board, that the applicant has obtained the training necessary to engage in the practice of psychology in the specified area of competence. The Board may wish to develop forms that provide for the specification of the intended area of practice and the evidence necessary to document competence. The Board should recognize that training in psychology includes broad and general training in scientific psychology and in the foundations of practice. Practice areas include: clinical psychology, counseling psychology, school psychology, industrial-organizational psychology, and other developed practice areas.

Psychologists provide services to populations and in areas within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience and do not practice beyond their areas of competence. The Board develops requirements or structures (e.g., continuing education in general areas of practice as well as in specific areas such as ethics, domestic violence, and multicultural competence; declaration and documentation of competence) to ensure that psychologists undertake ongoing efforts to identify, develop, and maintain competence and ethical practice. Boards may choose to require applicants for licensure and renewal of licensure to self-declare their areas of practice competence. Should a psychologist's area of practice change, then the psychologist shall be required to provide documentation of the training, supervision, and/or mentoring undertaken to achieve competence in the new area at the time of license renewal. Psychologists practicing in emerging areas take reasonable steps to ensure the competence of their work by using relevant research, training, consultation, or study.

The Board shall ensure through regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. The Board shall develop structures to ensure that psychologists undertake ongoing efforts to maintain competence and ethical practice. The Board adopts as its standard of conduct the  Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association.

H. Inactive Status

A psychologist who is on military assignment outside the state, suffering from health problems, on sabbatical, retired, or who moves to another state may wish to be on inactive status. Relieving the psychologist from paying the fee will make it possible for that person to remain in good standing without being an active practitioner.

A psychologist in good standing who will not be practicing in the state for at least one year may petition the Board to have his or her license placed on inactive status without penalty. When such psychologist wishes to return to practice, an application shall be made to the Board, which shall reinstate him or her upon payment of the registration fee for the current year.

I. Practice Without a License

The Act must clearly specify what constitutes a violation of law and what penalties may be imposed for practice without a license or for misrepresentation of oneself as a psychologist. State legislatures have the latitude to determine penalties for such illegal activities. Boards are provided with the authority to suspend or revoke licenses and to prescribe conditions for reinstatement.

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, partnership, corporation, agency, or other entity.

Any person who shall represent himself or herself as a psychologist in violation of this Act, or who shall engage in the practice of psychology in violation of this Act, shall be guilty of a misdemeanor and shall be fined not less than _____dollars and not more than _____dollars and, in addition thereto, may be imprisoned for not more than _____months. Each day such person shall practice psychology without meeting all the requirements of all laws now in force and of this Act shall constitute a separate offense. Any person filing or attempting to file, as his or her own, a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree.

Whenever a license to practice as a psychologist in the state has been suspended or revoked, it shall be unlawful for the person whose license has been so suspended or revoked to practice psychology in this state. The Board may issue, with or without reexamination, a new license whenever it deems such course safe and just.

The Board on its own motion may investigate any evidence or allegation that appears to show that any person is or may be in violation of any provision of this Act.

J. Exemptions

1. There should be an exemption from licensure for persons engaged solely in teaching in academic institutions, or research in academic and/or research institutions. In addition, those general applied (non-HSP) psychologists who provide services for the benefit of the organization as described in B.5.b.2 but not as described in B.5.b.1 and not involving direct services to individuals should be exempt from licensure and be allowed to refer to themselves as psychologists. The exemption should not be determined on the basis of work setting or place of primary employment, but on the basis of the purpose of the activity as defined in Section B3 (Practice of psychology). The exemption should not be allowed if the individual engages in the direct delivery or supervision of psychological services to individuals or groups of individuals in any setting. Persons engaged in teaching or research should not be excluded from licensure if they meet the statutory requirements for licensure.

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. Nothing in this Act shall prevent the provision of general applied psychological services to organizations so long as those services are for the benefit of the organization, and does not involve direct service to individuals. Nothing in this Act shall prevent the provision of expert testimony by psychologists who are otherwise exempted by this Act. Persons holding a doctoral degree in psychology from an institution of higher education may use the title "psychologist" in conjunction with the activities permitted by this subsection.

2. Members of other established professions, such as physicians, attorneys, and clergy, may provide services that are similar or related to the scope of practice of psychology. They should be exempted from licensure on the condition that they not represent themselves to be psychologists.

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 state from rendering services consistent with their professional training and code of ethics, provided that they do not represent themselves to be psychologists. Duly recognized members of the clergy shall not be restricted from functioning in their ministerial capacity, provided that they do not represent themselves to be psychologists.

3. The prior version of this Model Act included an exemption for the use of the terms school psychologist or certified school psychologist for all individuals credentialed by the state agency regulating practice in public schools. This version acknowledges the authority of the relevant state education agency to credential individuals to provide school psychological services in settings under their purview and continues to restrict those individuals to practice within those settings. Additionally, the title so conferred, which must include the word “school”, is to be used solely while engaged in employment within those settings.

Nothing in this Act shall be construed to prevent (cite relevant state education authority or statutory provisions) from credentialing individuals to provide school psychological services in those settings that are under the purview of the state education agency. Such individuals shall be restricted in their practice and the use of the title so conferred, which must include the word "school", to employment within those settings.

This provision is not intended to restrict the activities of licensed psychologists.

4. Graduate students, interns, unlicensed postdoctoral trainees, and applicants for licensure are permitted to function under the supervision of a licensed psychologist, as are assistants not eligible for licensure in some states. None may use the title psychologist, but titles such as psychological trainee, psychological intern, psychological resident, or psychological assistant would be permissible under this exemption. The supervising psychologist is responsible for the professional actions of the student, trainee, or assistant. The Board is required to adopt regulations defining the nature and extent of training for qualified assistants and supervision for each category.

Nothing in this Act shall be construed to prevent persons under the supervision of a licensed psychologist from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist," in accordance with regulations promulgated by the Board. Such persons who are preparing for the profession of psychology may use terms such as “psychological trainee,” “psychological intern,” “psychological resident.” Other persons may use terms such as “psychological assistant,” “psychological technician,” “psychological associate.” All such persons must perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the Board.

Nothing in this section shall be construed to apply to any person other than:

(a) a matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;
(b) an unlicensed individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act; or
(c) a qualified assistant, technician, or associate employed by, or otherwise directly accountable to, a licensed psychologist. Such individuals may, among other things, administer and score neuropsychological tests at the request of the supervising psychologist, but may not interpret such tests. The Board in regulations shall determine the number of assistants, technicians and associates that a psychologist may employ and the conditions under which they will be supervised.

5. This provision clarifies that the focus of licensure is the individual providing the services. Where the individual providing the services is duly licensed and qualified to provide the services, the goal of assuring the public that the services will be provided by licensed and qualified professionals is served.

Nothing in this Act shall be construed to require a license under this Act in order for a firm, partnership, corporation, limited liability company or other entity to provide general applied psychological services where such services are performed by an individual: (a) duly licensed in this state or otherwise authorized to provide general applied psychological services under this Act; or (b) supervised by a licensed psychologist in this state and permitted to provide general applied psychological services with such supervision under this Act.

6. Individuals who were previously unable to obtain licensure because of exemptions or exclusions in the previous version of this Act or where fulfilling requirements for licensure has been prohibitive (in some instances this has included I-O, human factors, and consulting psychologists), but are now expected to become licensed under the new regulations, a provision for extending licensure to those psychologists should be enacted.

All who have been practicing for 5 years or more exclusively outside of the health care psychology area and who were previously unable to obtain licensure because of exemptions or exclusions in the previous version of this Act or where fulfilling requirements has been prohibitive shall be grandparented, with the following requirements:

- a. Candidates should have graduated from a regionally accredited institution with a doctoral degree in I-O, consulting, or other recognized program in general applied psychology.*
- b. Attestation from the candidate that documents at least 5 years of relevant work history in I-O, consulting, or other general applied psychology practice. This should include written support from at least two licensed psychologists in good standing within that jurisdiction or APA Fellows in the same or similar area of practice that attests to the candidate's work history, quality of work, ethical practice and lack of any disciplinary action.*
- c. Completion of the jurisprudence examination of that jurisdiction with a passing grade.*

Individuals must have applied for this grandparenting option within two years from the enactment of this Act. After that date, the individual must comply with the regular licensing laws.

K. Grounds for Suspension or Revocation of Licenses

In order to have an effective law, the Board must have the power to suspend and revoke a license. Actions that are a violation of the enforceable standards of the APA Ethical Principles of Psychologists and Code of Conduct in effect at the time of the activities and other standards subscribed to by the Board should be clearly stated in the licensing law. Two considerations are specified below that refer to specific points in the text that follows:

Concerning Numbers 6 and 7

The Board shall specify, in rules and regulations, criteria for determining how long or under what conditions an individual or group of individuals remains a patient or a client.

Concerning Number 17

In this section, physical condition shall be differentiated from physical disability. There is no intent to obstruct physically disabled candidates' entry into the profession of psychology nor from practicing their profession after licensure as long as they practice with reasonable skill and safety to patients or clients.

A psychologist and anyone under his or her supervision shall conduct his or her professional activities in conformity with the ethical and professional standards of the APA Ethical Principles of Psychologists and Code of Conduct and those standards promulgated by the Board under its rules and regulations.

The Board shall have the power and duty to suspend, place on probation, or require remediation for any psychologist for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology or to take any other action specified in the rules and regulations whenever the Board shall find by a preponderance of the evidence that the psychologist has engaged in any of the following acts or offenses:

- 1. fraud in applying for or procuring a license to practice psychology;*
- 2. immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the Board;*
- 3. practicing psychology in such a manner as to endanger the welfare of clients or patients;*
- 4. conviction of a felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);*
- 5. conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;*
- 6. harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;*
- 7. engaging in sexual intercourse or other sexual contact with a client, patient or the individual who is the direct recipient of psychological services (where services are provided to an organization, client refers only to the individuals who are direct recipients of psychological services);*
- 8. use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence established by education, training, and experience;*
- 9. gross malpractice or repeated malpractice or gross negligence in the practice of psychology;*
- 10. aiding or abetting the practice of psychology by any person not licensed by the Board;*

11. conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence);
12. exercising undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;
13. the suspension or revocation by another state of a license to practice psychology (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof);
14. refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;
15. making any fraudulent or untrue statement to the Board;
16. violation of the APA Ethical Principles of Psychologists and Code of Conduct and other standards adopted in the rules and regulations of the Board; and
17. inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

When the issue is whether or not a psychologist is physically or mentally capable of practicing psychology with reasonable skill and safety to patients or clients, then, upon a showing of probable cause to the Board that the psychologist is not capable of practicing psychology with reasonable skill and safety to patients or clients, the Board may petition a court of competent jurisdiction to order the psychologist in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. Such psychologist and/or physician is to be designated by the Board. The expense of such examination shall be borne by the Board. Where the psychologist raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist shall be permitted to obtain his or her own evaluation at the psychologist's expense. If the objectivity or adequacy of the examination is suspect, the Board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every psychologist licensed to practice psychology in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

L. Board Hearings and Investigations

In the interest of protecting the public, the Board must have authority to regulate the practice of psychology. This section specifies the powers and duties of the Board to conduct investigations, hold hearings, consider evidence or allegations brought against a psychologist, and to discipline a licensee for violation of law or regulation. Both the Board and licensee are required to follow due process standards in any disciplinary proceeding.

The Board on its own motion may investigate or cause to be investigated any allegation or evidence that appears to show that a psychologist licensed to practice in this state is, or may be, in violation of this Act or of any of the acts, offenses, or conditions set forth by the Board in rules and regulations. Investigations will be limited to the allegation or evidence upon which they were initially based, except in situations when the investigation uncovers evidence of serious misconduct on the part of the psychologist that is unrelated to the initial allegation or evidence.

1) Any accusation filed against a psychologist licensed to practice in this state shall be filed within three years from the date the Board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or omission involves a minor, the seven-year limitations period provided for shall be tolled until the minor reaches the age of majority.

2) The following are exceptions to the limitations period in paragraph (1):

- a. acts or offenses involving a violation of Sections K(1), K(13), or K(15) ;
- b. acts or offenses involving a violation of Sections K4, where there is an element of dishonesty or fraud, and Section K5;

- c. acts or offenses involving fraudulent, deceptive or dishonest conduct that adversely affects the persons' ability or fitness to practice psychology;
- d. acts or offenses involving allegations of sexual misconduct with a psychotherapy client, or with a former psychotherapy client for a period of two years following the date of the last professional contact with the former client.

The Board shall have the power and duty to suspend, place on probation, or require remediation for a licensee for a specified time, to be determined at the discretion of the Board, or to revoke any license to practice psychology, whenever the licensee shall be found by the Board, by a preponderance of the evidence, to have engaged in conduct prohibited by this Act or rules and regulations duly promulgated pursuant thereto.

Any psychologist holding a license to practice in this state is required to report to the Board any information such a psychologist in good faith may have that appears to show that any psychologist holding a license to practice in this state may be in violation of this Act or guilty of any of the acts, offenses, or conditions set forth by the Board and such violation has substantially harmed or is likely to substantially harm a person or organization, unless such intervention would violate confidentiality rights under this statute or when the knowledge comes from a peer review process qualifying under the state peer review statute or when the psychologist has been retained to review the work of that psychologist whose professional conduct is in question. Any psychologist who in good faith makes such a report to the Board shall be absolutely immune from civil liability to any person and/or entity for any statement or opinion made in such report.

If, in the opinion of the majority of the Board, there is probable cause that the information provided to it under the provisions of this section may be valid, the Board shall request by registered mail a formal interview with the psychologist. If the psychologist who is ordered to a formal interview before the Board refuses to appear for such interview, such refusal shall be considered grounds for the Board, at its discretion, to suspend or revoke the license of such psychologist. Any proceeding for suspension or revocation of a license to practice as a psychologist in this state shall be conducted in accordance with procedures established by the Board. In the event that these provisions conflict with the state's general administrative procedures, these specific provisions will take precedence. The psychologist shall be informed of his or her rights concerning Board hearings and investigations:

1. the right to a hearing within a reasonable period of time after the Board receives the allegation or evidence that serves as the basis for an investigation by the Board and 30-days notice of the hearing;
2. the right to notice that a complaint has been filed and a copy of the complaint within 120 days of receipt of the complaint and the licensed psychologist and the complainant is provided notification, at least every three months as to the status of any outstanding complaint unless the Board makes an affirmative determination that the disclosure would prejudice the investigation of the complaint and notifies the licensee of the determination or disposes of the complaint within 120 days of the date of receipt of the complaint;
3. the right to see a signed (electronically or otherwise) complaint (non anonymous);
4. the right to have access to the Board's rules and procedures;
5. the right to self-representation or representation by counsel;
6. the right to discovery: each side can request from the other side relevant documents, a list of witnesses, and for any expert witnesses, the name, C.V. and a detailed report of the expert's expected testimony;
7. the right to compel the attendance of, and produce, witnesses and to confront and cross examine opposing witnesses, and to have witnesses testify under oath;
8. the right to a written decision setting forth the violation, findings of fact, sanctions, and reasons for the sanctions, within a reasonable period following the hearing;
9. a determination of the size of the vote necessary to find a violation;
10. a determination whether the hearing will be closed or open to the public;
11. the right not to have Board members who were on the investigative committee also appear on the formal hearing panel.
12. the right to an appeal to an administrative board of review and/or to a court of competent jurisdiction.

The licensee may knowingly and voluntarily waive in writing his or her right to the formal adversary proceeding described in this section.

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 right 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 appropriate action should a subpoena not be obeyed.

The Board shall temporarily suspend the license of a psychologist without a hearing simultaneously with the institution of proceedings for a hearing provided under this section if the Board finds that evidence in its possession indicates that the psychologist's continuation in practice may constitute an immediate danger to the public. Appropriate officials may petition the court for an injunction barring further practice unless or until the person is properly licensed. The injunction may be issued in addition to, or in lieu of, the criminal sanctions provided for in this section.

A psychologist may surrender his or her license when such person is charged with unethical conduct and upon receipt of that charge, that person decides to surrender the license, such surrender and acceptance by the Board shall constitute acknowledgment by the psychologist of guilt as charged.

A psychologist may request in writing to the Board that a restriction be placed upon his or her license to practice as a psychologist. The Board, in its discretion, may accept a surrender or grant such a request for restriction and shall have the authority to attach such restrictions to the license of the psychologist to practice psychology within this state or otherwise to discipline the licensee.

Subsequent to the holding of a hearing and the taking of evidence by the Board as provided for in this section, if a majority of the Board finds that a psychologist is in violation of this Act or guilty of any of the acts, offenses, or conditions as enumerated by the Board, the following actions may be taken:

- 1. The Board may revoke or suspend the license and impose a monetary penalty.*
- 2. The Board may suspend imposition of a revocation or suspension of a license and/or a monetary penalty.*
- 3. The Board may impose revocation or suspension of a license and/or a monetary penalty, but suspend enforcement thereof by placing the psychologist on probation, which probation shall be revocable if the Board finds the conditions of the probation order are not being followed by the psychologist.*
- 4. The Board may require the psychologist to submit to care, counseling, or treatment by a professional designated by the Board. Such action may, but is not required to, be a condition of probation. The expense of such action shall be borne by the psychologist.*
- 5. The Board may, at any time, modify the conditions of the probation and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both.*
- 6. The Board shall have the power to require restitution when necessary,*
- 7. The Board shall have the power to assess the costs of the disciplinary proceeding.*

M. Privileged Communication

This section regulates and limits the powers of the judicial system. The courts or other administrative agencies with subpoena power have the right to make use of all relevant information in the judicial fact-finding process unless this right of access to information is specifically limited. Historically, courts and legislatures have been charged with fact-finding in order to seek truth and administer justice. At the same time they have attempted to maintain the integrity of the confidential and private relationship between psychologist and patient or client. However, some societal issues have emerged, such as child abuse and sexual abuse, that have changed the absolute nature of privileged communication. Though the privilege is not absolute, it is designed to be sufficiently broad to cover all situations except those specifically enumerated. It is a privilege "owned" by the patient or client, who may assert it or waive it, although the psychologist may assert it for a patient or client who wishes to maintain such privilege of communication. It is understood that the privilege encompasses only communications between the patient or client and the psychologist in a professional relationship. The provisions herein relate only to the disclosure of confidential communications in judicial, legislative, and administrative proceedings. They do not speak to the disclosure of confidential communications in other context, such as, for example, disclosures required or permitted by law or disclosures relating to consultations. Disclosure of confidential communications outside of judicial proceedings are governed by the relevant sections of the APA Ethics Code.

In judicial proceedings, whether civil, criminal, or juvenile; in legislative and administrative proceedings; and in proceedings preliminary and ancillary thereto, a patient or client, or his or her guardian or personal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist licensed or otherwise authorized to practice psychology under the laws of this jurisdiction, or to persons reasonably believed by the patient or client to be so licensed, or to 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 patient's or client's behalf.

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

- 1. where abuse or harmful neglect of children, older adults, or disabled or incompetent individuals is known or reasonably suspected;*
- 2. where the validity of a will of a former patient or client is contested;*
- 3. where such information is necessary for the psychologist to defend against a malpractice action brought by the patient or client;*
- 4. where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;*
- 5. in the context of civil commitment proceedings, where an immediate threat of self-inflicted damage is disclosed to the psychologist;*
- 6. in any proceeding in which the party relies upon his or her mental or emotional condition as an element of the party's claim or defense;*
- 7. where the patient or client is examined pursuant to court order; or*
- 8. in the context of investigations and hearings brought by the patient or client and conducted by the Board, where violations of this Act are at issue.*

N. Severability

As with any law, one provision may be subject to court challenge and ruled invalid or unconstitutional. For example, it is not legally clear whether state licensing boards can regulate persons working for federal agencies. Thus, if any provision is ruled invalid or unconstitutional, it is important that the entire Act not be affected. This can only be achieved by inserting a clause at the end of the Act stating that each provision of the Act is severable from all other provisions and that the declaration that one section is invalid or unconstitutional will not affect the constitutionality or enforceability of any other section.

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 remainder of any section or part thereof.

O. Effective Date

In any law regulating a profession there needs to be a specific date establishing when the law shall become effective. Thus, the final paragraph states:

This Act shall become effective upon the date it is signed by the Governor or on the date it otherwise becomes effective by operation of law.

REFERENCES

- American Psychological Association. (2002). Ethical principles of psychologists and code of conduct. *American Psychologist*, 57, 1060-1073.
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