

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1349*

Short Title: Amend Psychology Practice Act.

(Public)

Sponsors: Representatives Lemmond; Aldridge, Arnold, Berry, Black, Cansler, Carpenter, Cocklereece, Culp, Cummings, Eddins, Ives, Justus, Kiser, Linney, McMahan, Pulley, Rayfield, Sexton, Sharpe, Sherrill, Shubert, Watson, Wilkins, and G. Wilson.

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

May 24, 1996

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE PSYCHOLOGY PRACTICE ACT AND RELATED
2 STATUTES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 90-270.2 is amended by inserting a new subdivision after
5 subdivision (7) to read:

6 "(7a) Licensed psychologist-masters. – An individual holding a masters or
7 specialist degree in psychology to whom a license has been issued
8 pursuant to the provisions of this Article, whose license is in force and
9 not suspended or revoked, and whose license permits him or her to
10 engage in the practice of psychology as defined in this Article."

11 Sec. 2. G.S. 90-270.3 reads as rewritten:

12 **"§ 90-270.3. Practice of medicine and optometry not permitted.**

13 Nothing in this Article shall be construed as permitting licensed psychologists,
14 licensed psychologist-masters, or licensed psychological associates to engage in any
15 manner in all or any of the parts of the practice of medicine or optometry licensed under
16 Articles 1 and 6 of Chapter 90 of the General Statutes, including, among others, the
17 diagnosis and correction of visual and muscular anomalies of the human eyes and visual
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1 apparatus, eye exercises, orthoptics, vision training, visual training and developmental
2 vision. A licensed psychologist, licensed psychologist-masters, or licensed psychological
3 associate shall assist his or her client or patient in obtaining professional help for all
4 aspects of the client's or patient's problems that fall outside the boundaries of the
5 psychologist's own competence, including provision for the diagnosis and treatment of
6 relevant medical or optometric problems."

7 Sec. 3. G.S. 90-270.4(c) reads as rewritten:

8 "(c) Persons certified by the State Board of Education as school psychologists and
9 serving as regular salaried employees of the Department of Public Instruction or local
10 boards of education are not required to be licensed under this Article in order to perform
11 the duties for which they serve the Department of Public Instruction or local boards of
12 education, and nothing in this Article shall be construed as limiting their activities,
13 services, or titles while performing those duties for which they serve the Department of
14 Public Instruction or local boards of education. If a person certified by the State Board of
15 Education as a school psychologist and serving as a regular salaried employee of the
16 Department of Public Instruction or a local board of education is or becomes a licensed
17 psychologist or licensed psychologist-masters under this Article, he or she shall be
18 required to comply with all conditions, requirements, and obligations imposed by statute
19 or by Board rules upon all other licensed psychologists or licensed psychologist-masters
20 as a condition to retaining that license. Other provisions of this Article notwithstanding, if
21 a person certified by the State Board of Education as a school psychologist and serving as
22 a regular salaried employee of the Department of Public Instruction or a local board of
23 education is or becomes a licensed psychological associate under this Article, he or she
24 shall not be required to comply with the supervision requirements otherwise applicable to
25 licensed psychological associates by Board rules or by this Article in the course of his or
26 her regular salaried employment with the Department of Public Instruction or a local
27 board of education, but he or she shall be required to comply with all other conditions,
28 requirements, and obligations imposed by statute or a local board of education or by
29 Board rules upon all other licensed psychological associates as a condition to retaining
30 that license."

31 Sec. 4. G.S. 90-270.4(d) reads as rewritten:

32 "(d) Nothing in this Article shall be construed as limiting the activities, services,
33 and use of title designating training status of a student, intern, fellow, or other trainee
34 preparing for the practice of psychology under the supervision and responsibility of a
35 qualified psychologist in an institution of higher education or service facility, provided
36 that such activities and services constitute a part of his course of or her course of study as
37 a matriculated graduate student in psychology. For individuals pursuing postdoctoral or
38 post-masters training or experience in psychology, nothing shall limit the use of a title
39 designating training status, but the Board may develop rules defining qualified
40 supervision, disclosure of supervisory relationships, frequency of supervision, settings to
41 which trainees may be assigned, activities in which trainees may engage, qualifications
42 for trainee status, nature of responsibility assumed by the supervisor, and the structure,
43 content, and organization of postdoctoral or post-masters experience."

1 Sec. 5. G.S. 90-270.5 reads as rewritten:

2 **"§ 90-270.5. Application; examination; supervision; provisional and temporary**
3 **licenses.**

4 (a) Except as otherwise exempted by G.S. 90-270.4, persons who are qualified by
5 education to practice psychology in this State must make application for licensure to the
6 Board within 30 days of offering to practice or undertaking the practice of psychology in
7 North Carolina. Applications must then be completed for review by the Board within the
8 time period stipulated in the duly adopted rules of the Board. Persons who practice or
9 offer to practice psychology for more than 30 days without making application for
10 licensure, who fail to complete the application process within the time period specified by
11 the Board, or who are denied licensure pursuant to G.S. 90-270.11 or G.S. 90-270.15,
12 may not subsequently practice or offer to practice psychology without first becoming
13 licensed.

14 (b) After making application for licensure, applicants must take the first
15 examination to which they are admitted by the Board. If applicants fail the examination,
16 they may continue to practice psychology until they take the next examination to which
17 they are admitted by the Board. If applicants fail the second examination, they shall
18 cease the practice of psychology per G.S. 90-270.4(h), and may not subsequently practice
19 or offer to practice psychology without first reapplying for and receiving a license from
20 the Board. An applicant who does not take an examination on the date prescribed by the
21 Board shall be deemed to have failed that examination.

22 (c) All individuals who have yet to apply and who are practicing or offering to
23 practice psychology in North Carolina, and all applicants who are practicing or offering
24 to practice psychology in North Carolina, shall at all times comply with supervision
25 requirements established by the Board. The Board shall specify in its rules the format,
26 setting, content, time frame, amounts of supervision, qualifications of supervisors,
27 disclosure of supervisory relationships, the organization of the supervised experience, and
28 the nature of the responsibility assumed by the supervisor. Individuals shall be
29 supervised for all activities comprising the practice of psychology until they have met the
30 following conditions:

31 (1) For licensed psychologist applicants, until they have passed the
32 examination to which they have been admitted by the Board, have been
33 notified of the results, have completed supervision requirements
34 specified in subsection (d) of this section, and have been informed by
35 the Board of permanent licensure as a licensed psychologist; ~~or~~

36 (2) For licensed psychological associate applicants, until they have passed
37 the examination to which they have been admitted by the Board, have been
38 notified of the results, and have been informed by the Board of
39 permanent licensure as a licensed psychological associate, after which
40 time supervision is required only for those activities specified in
41 subsection (e) of this ~~section~~-section; or

42 (3) For licensed psychologist-masters applicants, until they have passed the
43 examination to which they have been admitted by the Board, have been

1 notified of the results, have completed supervision requirements
2 specified in subsection (e1) of this section, and have been informed by
3 the Board of permanent licensure as a licensed psychologist-masters.

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

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

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

21 (3) A psychologist who meets all other requirements of G.S. 90-270.11(a)
22 as a licensed psychologist, except the two years of supervised
23 experience, may be issued a provisional license by the Board for the
24 practice of psychology. If the psychologist terminates the supervised
25 experience before the completion of two years, the Board may place the
26 psychologist on inactive status, during which time supervision will not
27 be required, and the practice of psychology or the offer to practice
28 psychology is prohibited. In the event a licensed psychologist issued a
29 provisional license under this subsection is placed on inactive status or
30 is completing the supervised experience on a part-time basis, the Board
31 may renew the provisional license as necessary until such time as the
32 psychologist has completed the equivalent of two years' supervised
33 experience.

34 (e) A licensed psychological associate shall be supervised by a qualified licensed
35 psychologist, or other qualified professionals, in accordance with Board rules specifying
36 the format, setting, content, time frame, amounts of supervision, qualifications of
37 supervisors, disclosure of supervisory relationships, the organization of the supervised
38 experience, and the nature of the responsibility assumed by the supervisor. A licensed
39 psychological associate who provides health services shall be supervised, for those
40 activities requiring supervision, by a qualified licensed psychologist holding health
41 services provider certification or by other qualified professionals under the overall
42 direction of a qualified licensed psychologist holding health services provider
43 certification, in accordance with Board rules. Except as provided below, supervision,

1 including the supervision of health services, is required only when a licensed
2 psychological associate engages in: assessment of personality functioning;
3 neuropsychological evaluation; psychotherapy, counseling, and other interventions with
4 clinical populations for the purpose of preventing or eliminating symptomatic,
5 maladaptive, or undesired behavior; and, the use of intrusive, punitive, or experimental
6 procedures, techniques, or measures. The Board shall adopt rules implementing and
7 defining this provision, and as the practice of psychology evolves, may identify
8 additional activities requiring supervision in order to maintain acceptable standards of
9 practice.

10 (e1) For permanent licensure as a licensed psychologist-masters, an otherwise
11 qualified psychologist holding a masters or specialist degree (M.A., M.S., or Ed.S.) must
12 secure four years of acceptable and appropriate supervised experience germane to his or
13 her training and intended area of practice as a psychologist. The Board shall permit such
14 supervised experience to be acquired on a less than full-time basis, and shall additionally
15 specify in its rules the format, setting, content, time frame, amounts of supervision,
16 qualifications of supervisors, disclosure of supervisory relationships, the organization of
17 the supervision experience, and the nature of the responsibility assumed by the
18 supervisor. Supervision of health services must be received from qualified licensed
19 psychologists holding health services provider certificates, or from other psychologists
20 authorized by the Board in accordance with Board rules. All four years of supervised
21 experience must be acquired following completion of the masters degree, and graduate
22 internships will not count towards meeting this supervision requirement.

23 (f) A nonresident psychologist who is either licensed or certified by a similar
24 Board in another jurisdiction whose standards, in the opinion of the Board, are, at the date
25 of his or her certification or licensure, substantially equivalent to or higher than the
26 requirements of this Article, may be issued a temporary license by the Board for the
27 practice of psychology in this State for a period not to exceed the aggregate of 30 days in
28 any calendar year. The Board may issue temporary health services provider certification
29 simultaneously if the nonresident psychologist can demonstrate two years of acceptable
30 supervised health services experience. All temporarily licensed psychologists shall
31 comply with supervision requirements established by the Board.

32 (g) An applicant for reinstatement of licensure, whose license was suspended
33 under G.S. 90-270.15(f), may be issued a temporary license and temporary health
34 services provider certification in accordance with the duly adopted rules of the Board."

35 Sec. 6. G.S. 90-270.6 reads as rewritten:

36 **"§ 90-270.6. Psychology Board; appointment; term of office; composition.**

37 For the purpose of carrying out the provisions of this Article, there is created a North
38 Carolina Psychology Board, which shall consist of ~~seven~~nine members appointed by the
39 Governor. At all times three members shall be licensed ~~psychologists,~~psychologists with
40 a doctorate degree in psychology, ~~two~~three members shall be licensed ~~psychological~~
41 ~~associates,~~psychologist-masters or licensed psychological associates, and ~~two~~three
42 members shall be members of the public who are not licensed under this Article. Each
43 member of the Board must reside in a different congressional district at the time of the

1 appointment. Due consideration shall also be given to the adequate representation of the
2 various fields and areas of practice of psychology. Terms of office shall be three years.
3 All terms of service on the Board expire June 30 in appropriate years. As the term of a
4 licensed psychologist member with a doctorate degree in psychology expires, or as a
5 vacancy of a psychologist member occurs in that category for any other reason, the North
6 Carolina Psychological Association, or its successor, Association shall, having sought the
7 advice of the chairs of the graduate departments of psychology in the State, for each
8 vacancy, submit to the Governor a list of the names of three eligible ~~persons~~ persons for
9 each vacancy. As the term of a licensed psychologist-masters or licensed psychological
10 associate expires or as a vacancy occurs in that category for any other reason, the
11 professional psychological organization representing the largest number of licensed
12 psychologist-masters and licensed psychological associates in North Carolina shall,
13 having sought the advice of the chairs of the graduate departments of psychology in the
14 State for each vacancy, submit to the Governor a list of the names of three eligible
15 persons for each vacancy. From ~~this list~~ these lists the Governor shall make ~~the~~
16 appointment ~~these appointments~~, each for a full term, or for the remainder of the
17 unexpired term, if any. Each Board member shall serve until his or her successor has
18 been appointed. As the term of a member expires, or if one should become vacant for
19 any reason, the Governor shall appoint a new member within 60 days of the vacancy's
20 occurring. No member, either public or licensed under this Article, shall serve more than
21 three complete consecutive terms."

22 Sec. 6.1. G.S. 90-270.7(a) reads as rewritten:

23 "(a) Each licensed ~~psychologist~~ psychologist, licensed psychologist-masters, and
24 licensed psychological associate member of the Board shall have the following
25 qualifications:

- 26 (1) Shall be a resident of this State and a citizen of the United States;
27 (2) Shall be at the time of appointment and shall have been for at least five
28 years prior thereto, actively engaged in one or more branches of
29 psychology or in the education and training of master's, specialist,
30 doctoral, or postdoctoral students of psychology or in psychological
31 research, and such activity during the two years preceding appointment
32 shall have occurred primarily in this State.
33 (3) Shall be free of conflict of interest in performing the duties of the
34 Board."

35 Sec. 7. G.S. 90-270.10 reads as rewritten:

36 "**§ 90-270.10. Annual report.**

37 On June 30 of each year, the Board shall submit a report to the Governor of the
38 Board's activities since the preceding July 1, including the names of all licensed
39 ~~psychologists and psychologists, licensed psychological associates~~ psychologist-masters, and
40 licensed psychological associates to whom licenses have been granted under this Article,
41 any cases heard and decisions rendered in matters before the Board, the recommendations
42 of the Board as to future actions and policies, and a financial report. Each member of the

1 Board shall review and sign the report before its submission to the Governor. Any Board
2 member shall have the right to record a dissenting view."

3 Sec. 8. G.S. 90-270.11 reads as rewritten:

4 **"§ 90-270.11. Licensure; examination; foreign graduates.**

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

10 (1) Is at least 18 years of age;

11 (2) Is of good moral character;

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

21 (4) Has had at least two years of acceptable and appropriate supervised
22 experience germane to his or her training and intended area of practice
23 as a psychologist as specified in G.S. 90-270.5(d).

24 (a1) Licensed Psychologist-Masters. – The Board shall issue a permanent license to
25 practice psychology to any applicant who pays an application fee and any applicable
26 examination fee as specified in G.S. 90-270.18(b), who passes an examination in
27 psychology as prescribed by the Board, and who submits evidence verified by oath and
28 satisfactory to the Board that he or she:

29 (1) Is at least 18 years of age;

30 (2) Is of good moral character;

31 (3) Has received a masters or specialist degree based on a planned and
32 directed program of studies in psychology from an institution of higher
33 education. The degree program, wherever administratively housed, must
34 be publicly identified and clearly labeled as a psychology program. The
35 Board shall adopt rules implementing and defining these provisions,
36 including, but not limited to, such factors as residence in the educational
37 program, internship and related field experiences, number of course
38 credits, course content, numbers and qualifications of faculty, and
39 program identification and identity;

40 (4) Has had at least four years of acceptable and appropriate supervised
41 experience germane to his or her training and intended area of practice
42 as a psychologist as specified in G.S. 90-270.5(e);

1 (5) Has passed the national examination in psychology at the licensed
2 psychologist passing point.

3 Notwithstanding the provisions of this subsection, the Board shall adopt rules
4 implementing a transition provision whereby any licensed psychological associate in
5 good standing may apply for a license to practice psychology as a licensed psychologist-
6 masters (M.A., M.S., or Ed.S.) if application for such is made to the Board by June 30,
7 1996. These rules shall define criteria, including, but not limited to, combinations of
8 graduate course work and years of experience that shall be deemed satisfactory to meet
9 all requirements for licensure as a licensed psychologist-masters.

10 (b) Licensed Psychological Associate. –

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

- 16 a. Is at least 18 years of age;
17 b. Is of good moral character;
18 c. Has received a master's degree in psychology or a specialist
19 degree in psychology from an institution of higher education.
20 The degree program, wherever administratively housed, must be
21 publicly identified and clearly labeled as a psychology program.
22 The Board shall adopt rules implementing and defining these
23 provisions, including, but not limited to, such factors as residence
24 in the program, internship and related field experiences, number
25 of course credits, course content, numbers and qualifications of
26 faculty, and program identification and identity.

27 (2) Notwithstanding the provisions of this subsection, a licensed
28 psychologist applicant who has met all requirements for licensure
29 except passing the examination at the licensed psychologist level, may
30 be issued a license as a licensed psychological associate without having
31 a master's degree or specialist degree in psychology if the applicant
32 passes the examination at the licensed psychological associate level.

33 (c) Foreign Graduates. – Applicants trained in institutions outside the United
34 States, applying for licensure at either the licensed psychologist or licensed ~~psychological~~
35 ~~associate~~ psychologist-masters or licensed psychological associate level, must show
36 satisfactory evidence of training and degrees substantially equivalent to those required of
37 applicants trained within the United States, pursuant to Board rules and regulations.

38 (d) Prior Licensure. – A person who is licensed in good standing as a licensed
39 practicing psychologist or psychological associate under the provisions of the Practicing
40 Psychologist Licensing Act in effect immediately prior to the ratification of this
41 Psychology Practice Act shall be deemed, as of October 1, 1993 to have met all
42 requirements for licensure under this act and shall be eligible for renewal of licensure in
43 accordance with the provisions of this act."

1 Sec. 9. G.S. 90-270.15(a)(9) reads as rewritten:

2 "(9) For a licensed ~~psychologist, psychologist or psychologist-masters,~~ psychologist, has
3 provided health services without health services provider certification;"

4 Sec. 10. G.S. 90-270.16(a) reads as rewritten:

5 "(a) Except as permitted in G.S. 90-270.4 and G.S. 90-270.5, it shall be a violation
6 of this Article for any person not licensed in accordance with the provisions of this
7 Article to represent himself or herself as a psychologist, licensed psychologist, licensed
8 psychological associate, licensed psychologist-masters, or health services provider in
9 psychology."

10 Sec. 11. G.S. 90-270.18(b) reads as rewritten:

11 "(b) Fees for activities specified by this Article are as follows:

12 (1) Application fees for licensed ~~psychologists and psychologists,~~ licensed
13 ~~psychological associates-psychologist-masters, and licensed psychological~~
14 associates per G.S. 90-270.11(a) and (b)(1), or G.S. 90-270.13, shall not
15 exceed one hundred dollars (\$100.00).

16 (2) Fees for the national written examination shall be the cost of the
17 examination to the Board plus an additional fee not to exceed fifty
18 dollars (\$50.00).

19 (3) Fees for additional examinations shall be as prescribed by the Board.

20 (4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not
21 exceed two hundred fifty dollars (\$250.00) per biennium. This fee may
22 not be prorated.

23 (5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be twenty-
24 five dollars (\$25.00).

25 (6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall not
26 exceed one hundred dollars (\$100.00).

27 (7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be twenty-five
28 dollars (\$25.00).

29 (8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g), shall
30 be twenty-five dollars (\$25.00).

31 (9) Application fees for a health services provider certificate, per G.S. 90-
32 270.20, shall be fifty dollars (\$50.00)."

33 Sec. 12. G.S. 90-270.20 reads as rewritten:

34 "**§ 90-270.20. Provision of health services; certification as health services provider.**

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

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

12 (b1) After June 30, 1996, any licensed psychologist-masters who is qualified by
13 education, who holds permanent licensure and a masters or specialist degree, and who
14 provides or offers to provide health services to the public must be certified as a health
15 services provider psychologist-masters (HSP-PM) by the Board. The Board shall certify
16 as health services providers those applicants who shall demonstrate at least two years of
17 acceptable supervised health services experience, of which all is post-masters. The Board
18 shall specify the format, setting, content, and organization of the supervised health
19 services experience or program. The Board may, upon verification of supervised
20 experience and the meeting of all the requirements as a psychologist-masters, issue the
21 license and certificate simultaneously. An application fee, as specified in G.S. 90-
22 270.18(b)(9), must be paid.

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

28 (d) After January 1, 1995, any licensed psychologist holding a provisional license
29 who is qualified by education may be granted certification as a health services provider
30 psychologist (provisional) (HSP-PP) by the Board. The Board may, upon verification of
31 qualifications and the meeting of all requirements for a provisional license, issue the
32 license and certificate simultaneously. An application fee, as specified in G.S. 90-
33 270.18(b)(9), must be paid.

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

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

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

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

20 Sec. 13. G.S. 58-50-30(b) reads as rewritten:

21 "(b) For the purposes of this section, a 'duly licensed psychologist' shall be defined
22 only to include a psychologist who is duly licensed in the State of North Carolina and has
23 a doctorate degree in psychology and at least two years clinical experience in a
24 recognized health setting, or has met the standards of the National Register of Health
25 Service Providers in Psychology. After January 1, 1995, a duly licensed psychologist
26 shall be defined as a licensed psychologist or a licensed psychologist-masters who holds
27 permanent licensure and certification as a health services provider psychologist or health
28 services provider psychologist-masters issued by the North Carolina Psychology Board."

29 Sec. 14. G.S. 58-65-1(c) reads as rewritten:

30 "(c) For purposes of this section, an 'advanced practice registered nurse' means only
31 a registered nurse who is duly licensed or certified as a nurse practitioner, clinical
32 specialist in psychiatric and mental health nursing, or nurse midwife.

33 For the purposes of this section, a 'duly certified clinical social worker' is a 'certified
34 clinical social worker' as defined in G.S. 90B-3(2) and certified by the North
35 Carolina Certification Board for Social Work pursuant to Chapter 90B of the General
36 Statutes.

37 For the purposes of this section, a 'duly licensed psychologist' shall be defined only to
38 include a psychologist who is duly licensed in the State of North Carolina and has a
39 doctorate degree in psychology and at least two years clinical experience in a recognized
40 health setting, or has met the standards of the National Register of Health Providers in
41 Psychology. After January 1, 1995, a duly licensed psychologist shall be defined as a
42 licensed psychologist or licensed psychologist-masters who holds permanent licensure

1 and certification as a health services provider psychologist or health services provider
2 psychologist-masters issued by the North Carolina Psychology Board.

3 The term 'dental service plan' as used in this Article and Article 66 of this Chapter
4 includes contracting for the payment of fees toward, or furnishing of dental and/or any
5 other professional services authorized or permitted to be furnished by a duly licensed
6 dentist.

7 The insured or beneficiary of every 'medical service plan' and of every 'dental service
8 plan,' as those terms are used in this Article and Article 66 of this Chapter, or of any
9 policy of insurance issued thereunder, that includes services which are within the scope
10 of practice of both a duly licensed physician and a duly licensed dentist shall have the
11 right to choose the provider of such care or service, and shall be entitled to payment of or
12 reimbursement for such care or service, whether the provider be a duly licensed physician
13 or a duly licensed dentist notwithstanding any provision to the contrary contained in any
14 such plan or policy.

15 The term 'hospital service corporation' as used in this Article and Article 66 of this
16 Chapter is intended to mean any nonprofit corporation operating a hospital and/or
17 medical and/or dental service plan, as herein defined. Any corporation heretofore or
18 hereafter organized and coming within the provisions of this Article and Article 66 of this
19 Chapter, the certificate of incorporation of which authorizes the operation of either a
20 hospital or medical and/or dental service plan, or any or all of them, may, with the
21 approval of the Commissioner of Insurance, issue subscribers' contracts or certificates
22 approved by the Commissioner of Insurance, for the payment of either hospital or
23 medical and/or dental fees, or the furnishing of such services, or any or all of them, and
24 may enter into contracts with hospitals for physicians and/or dentists, or any or all of
25 them, for the furnishing of fees or services respectively under a hospital or medical
26 and/or dental service plan, or any or all of them.

27 The term 'preferred provider' as used in this Article and Article 66 of this Chapter
28 with respect to contracts, organizations, policies or otherwise means a health care service
29 provider who has agreed to accept, from a corporation organized for the purposes
30 authorized by this Article and Article 66 of this Chapter or other applicable law, special
31 reimbursement terms in exchange for providing services to beneficiaries of a plan
32 administered pursuant to this Article and Article 66 of this Chapter. Except to the extent
33 prohibited either by G.S. 58-65-140 or by regulations promulgated by the Department of
34 Insurance not inconsistent with this Article and Article 66 of this Chapter, the contractual
35 terms and conditions for special reimbursement shall be those which the corporation and
36 preferred provider find to be mutually agreeable."

37 Sec. 15. G.S. 58-65-75(d) reads as rewritten:

38 "(d) Provisions for benefits for necessary care and treatment of chemical
39 dependency in group certificates or group contracts shall provide for benefit payments for
40 the following providers of necessary care and treatment of chemical dependency:

41 (1) The following units of a general hospital licensed under Article 5 of
42 General Statutes Chapter 131E:

- 1 a. Chemical dependency units in facilities licensed after October 1,
2 1984;
- 3 b. Medical units;
- 4 c. Psychiatric units; and
- 5 (2) The following facilities or programs licensed after July 1, 1984, under
6 Article 2 of General Statutes Chapter 122C:
- 7 a. Chemical dependency units in psychiatric hospitals;
- 8 b. Chemical dependency hospitals;
- 9 c. Residential chemical dependency treatment facilities;
- 10 d. Social setting detoxification facilities or programs;
- 11 e. Medical detoxification facilities or programs; and
- 12 (3) Duly licensed physicians and duly licensed psychologists and certified
13 professionals working under the direct supervision of such physicians or
14 psychologists in facilities described in (1) and (2) above and in
15 day/night programs or outpatient treatment facilities licensed after July
16 1, 1984, under Article 2 of General Statutes Chapter 122C. ~~After~~
17 ~~January 1, 1995, "duly licensed psychologists" shall be defined as licensed~~
18 ~~psychologists who hold permanent licensure and certification as health~~
19 ~~services provider psychologist issued by the North Carolina Psychology~~
20 ~~Board.~~ After January 1, 1995, a 'duly licensed psychologist' shall be
21 defined as a licensed psychologist or a licensed psychologist-masters
22 who holds permanent licensure and certification as a health services
23 provider psychologist or health services provider psychologist-masters
24 issued by the North Carolina Psychologist Board.

25 Provided, however, that nothing in this subsection shall prohibit any certificate or
26 contract from requiring the most cost effective treatment setting to be utilized by the
27 person undergoing necessary care and treatment for chemical dependency."

28 Sec. 16. G.S. 122C-3(13b) reads as rewritten:

29 "(13b)'Eligible psychologist' means a licensed psychologist who has at least
30 two years' clinical experience. After January 1, 1995, 'eligible
31 psychologist' means a licensed psychologist or a licensed psychologist-
32 masters who holds permanent licensure and certification as a health
33 services provider psychologist or health services provider psychologist-
34 masters issued by the North Carolina Psychology Board."

35 Sec. 17. G.S. 135-40.7A(c) reads as rewritten:

36 "(c) Notwithstanding any other provision of this Part, provisions for benefits for
37 necessary care and treatment of chemical dependency under this Part shall provide for
38 benefit payments for the following providers of necessary care and treatment of chemical
39 dependency:

- 40 (1) The following units of a general hospital licensed under Article 5 of
41 General Statutes Chapter 131E:
- 42 a. Chemical dependency units in facilities licensed after October 1,
43 1984;

- 1 b. Medical units;
2 c. Psychiatric units; and
3 (2) The following facilities licensed after July 1, 1984, under Article 2 of
4 General Statutes Chapter 122C:
5 a. Chemical dependency units in psychiatric hospitals;
6 b. Chemical dependency hospitals;
7 c. Residential chemical dependency treatment facilities;
8 d. Social setting detoxification facilities or programs;
9 e. Medical detoxification facilities or programs; and
10 (3) Duly licensed physicians and duly licensed practicing psychologists,
11 duly licensed psychologist-masters, certified clinical social workers,
12 certified clinical specialists in psychiatric and mental health nursing,
13 and certified professionals working under the direct supervision of such
14 physicians or psychologists in facilities described in (1) and (2) above
15 and in day/night programs or outpatient treatment facilities licensed
16 after July 1, 1984, under Article 2 of General Statutes Chapter 122C.

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

20 Sec. 18. G.S. 135-40.7B(c) reads as rewritten:

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

- 23 (1) Licensed psychiatrists;
24 (2) Licensed or certified doctors of psychology;
25 (3) Certified clinical social workers;
26 (4) Psychiatric nurses;
27 (5) Other social workers under the direct employment and supervision of a
28 licensed psychiatrist or licensed doctor of psychology;
29 (6) Psychological associates with a master's degree in psychology under the
30 direct employment and supervision of a licensed psychiatrist or licensed
31 or certified doctor of psychology;
32 (6.1) Duly licensed psychologist-masters who hold permanent licensure and
33 certification as health service provider psychologist-masters issued by
34 the North Carolina Psychology Board;
35 (7) Licensed psychiatric hospitals and licensed general hospitals providing
36 psychiatric treatment programs; and
37 (8) Certified residential treatment facilities, community mental health
38 centers, and partial hospitalization facilities."

39 Sec. 19. The initial terms of the two additional members of the North Carolina
40 Psychology Board added by Section 6 of this act shall commence upon the ratification of
41 this act and shall end on June 30 of the third calendar year after the year in which the act
42 is ratified.

43 Sec. 20. This act is effective upon ratification.