

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 1049

Short Title: Licensed Psych. Assoc./Independent Practice. (Public)

Sponsors: Representative Holliman.

Referred to: Insurance.

April 10, 2003

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE NORTH CAROLINA PSYCHOLOGY BOARD TO
ALLOW LICENSED PSYCHOLOGICAL ASSOCIATES TO ENGAGE IN THE
PRACTICE OF PSYCHOLOGY WITHOUT SUPERVISION AFTER
ACHIEVING A CERTAIN LEVEL OF EXPERIENCE IN THE FIELD AND
INCREASING THE MEMBERSHIP ON THE BOARD FROM SEVEN TO
EIGHT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-270.2 reads as rewritten:

"§ 90-270.2. Definitions.

The following definitions apply in this Article:

- (1) Board. – The North Carolina Psychology Board.
- (2) Examination. – Any and all examinations that are adopted by the Board and administered to applicants and licensees, including, but not limited to, the national examination, Board-developed examinations, and other examinations that assess the competency and ethics of psychologists and applicants.
- (3) Jurisdiction. – Any governmental authority, including, but not limited to, a state, a territory, a commonwealth, a district of the United States, and a country or a local governmental authority thereof, that licenses, certifies, or registers psychologists.
- (4) Health services. – Those activities of the practice of psychology that include the delivery of preventive, assessment, or therapeutic intervention services directly to individuals whose growth, adjustment, or functioning is actually impaired or may be at substantial risk of impairment.
- (5) Institution of higher education. – A university, a college, a professional school, or another institution of higher learning that:

- 1 a. In the United States, is regionally accredited by bodies
2 approved by the Commission on Recognition of Postsecondary
3 Accreditation or its successor.
- 4 b. In Canada, holds a membership in the Association of
5 Universities and Colleges of Canada.
- 6 c. In another country, is accredited by the comparable official
7 organization having this authority.
- 8 (6) Licensed psychologist. – An individual to whom a license has been
9 issued pursuant to the provisions of this Article, whose license is in
10 force and not suspended or revoked, and whose license permits him or
11 her to engage in the practice of psychology as defined in this Article.
- 12 (7) Licensed psychological associate. – An individual to whom a license
13 has been issued pursuant to the provisions of this Article, whose
14 license is in force and not suspended or revoked, and whose license
15 permits him or her to engage in the practice of psychology as defined
16 in this Article.
- 17 (7a) Licensed psychological associate-independent. – An individual to
18 whom a license has been issued pursuant to the provisions of this
19 Article, whose license is in force and not suspended or revoked, and
20 whose license permits him or her to engage in the practice of
21 psychology as defined in this Article without supervision from a
22 licensed psychologist upon qualification.
- 23 ~~(7a)~~(7b) Neuropsychological. – Pertaining to the study of brain-behavior
24 relationships, including the diagnosis, including etiology and
25 prognosis, and treatment of the emotional, behavioral, and cognitive
26 effects of cerebral dysfunction through psychological and behavioral
27 techniques and methods.
- 28 (8) Practice of psychology. – The observation, description, evaluation,
29 interpretation, or modification of human behavior by the application of
30 psychological principles, methods, and procedures for the purpose of
31 preventing or eliminating symptomatic, maladaptive, or undesired
32 behavior or of enhancing interpersonal relationships, work and life
33 adjustment, personal effectiveness, behavioral health, or mental health.
34 The practice of psychology includes, but is not limited to:
35 psychological testing and the evaluation or assessment of personal
36 characteristics such as intelligence, personality, abilities, interests,
37 aptitudes, and neuropsychological functioning; counseling,
38 psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior
39 analysis and therapy; diagnosis, including etiology and prognosis, and
40 treatment of mental and emotional disorder or disability, alcoholism
41 and substance abuse, disorders of habit or conduct, as well as of the
42 psychological and neuropsychological aspects of physical illness,
43 accident, injury, or disability; and psychoeducational evaluation,
44 therapy, remediation, and consultation. Psychological services may be

1 rendered to individuals, families, groups, and the public. The practice
2 of psychology shall be construed within the meaning of this definition
3 without regard to whether payment is received for services rendered.

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

13 **SECTION 2.** G.S. 90-270.5(e) reads as rewritten:

14 "(e) ~~A—Until otherwise qualified for independent practice pursuant to G.S.~~
15 270.11(b1), a licensed psychological associate shall be supervised by a qualified
16 licensed psychologist, or other qualified professionals, in accordance with Board rules
17 specifying the format, setting, content, time frame, amounts of supervision,
18 qualifications of supervisors, disclosure of supervisory relationships, the organization of
19 the supervised experience, and the nature of the responsibility assumed by the
20 supervisor. A licensed psychological associate who provides health services shall be
21 supervised, for those activities requiring supervision, by a qualified licensed
22 psychologist holding health services provider certification or by other qualified
23 professionals under the overall direction of a qualified licensed psychologist holding
24 health services provider certification, in accordance with Board rules. Except as
25 provided below, supervision, including the supervision of health services, is required
26 only when a licensed psychological associate engages in: assessment of personality
27 functioning; neuropsychological evaluation; psychotherapy, counseling, and other
28 interventions with clinical populations for the purpose of preventing or eliminating
29 symptomatic, maladaptive, or undesired behavior; and, the use of intrusive, punitive, or
30 experimental procedures, techniques, or measures. The Board shall adopt rules
31 implementing and defining this provision, and as the practice of psychology evolves,
32 may identify additional activities requiring supervision in order to maintain acceptable
33 standards of practice."

34 **SECTION 3.** G.S. 90-270.6 reads as rewritten:

35 **"§ 90-270.6. Psychology Board; appointment; term of office; composition.**

36 For the purpose of carrying out the provisions of this Article, there is created a North
37 Carolina Psychology Board, which shall consist of ~~seven~~eight members appointed by
38 the Governor. At all times three members shall be licensed psychologists, two members
39 shall be licensed psychological associates, one member shall be a licensed
40 psychological associate-independent, and two members shall be members of the public
41 who are not licensed under this Article. Each member of the Board must reside in a
42 different congressional district at the time of the appointment. Due consideration shall
43 also be given to the adequate representation of the various fields and areas of practice of
44 psychology. Terms of office shall be three years. All terms of service on the Board

1 expire June 30 in appropriate years. As the term of a psychologist member expires, or as
2 a vacancy of a psychologist member occurs for any other reason, the North Carolina
3 Psychological Association, or its successor, shall, having sought the advice of the chairs
4 of the graduate departments of psychology in the State, for each vacancy, submit to the
5 Governor a list of the names of three eligible persons. From this list the Governor shall
6 make the appointment for a full term, or for the remainder of the unexpired term, if any.
7 Each Board member shall serve until his or her successor has been appointed. As the
8 term of a member expires, or if one should become vacant for any reason, the Governor
9 shall appoint a new member within 60 days of the vacancy's occurring. No member,
10 either public or licensed under this Article, shall serve more than three complete
11 consecutive terms."

12 **SECTION 4.** G.S. 90-270.7(a) reads as rewritten:

13 "(a) ~~Each licensed psychologist and licensed psychological associate~~psychologist,
14 licensed psychological associate, and licensed psychological associate-independent
15 member of the Board shall have the following qualifications:

- 16 (1) Shall be a resident of this State and a citizen of the United States;
- 17 (2) Shall be at the time of appointment and shall have been for at least five
18 years prior thereto, actively engaged in one or more branches of
19 psychology or in the education and training of master's, specialist,
20 doctoral, or postdoctoral students of psychology or in psychological
21 research, and such activity during the two years preceding appointment
22 shall have occurred primarily in this State.
- 23 (3) Shall be free of conflict of interest in performing the duties of the
24 Board."

25 **SECTION 5.** G.S. 90-270.11 is amended by adding a new subsection to
26 read:

27 "(b1) Licensed Psychological Associate-Independent. – The Board shall issue a
28 permanent license to practice psychology as a licensed psychological
29 associate-independent to any licensed psychological associate with a minimum of five
30 years of experience consisting of at least 7,500 hours of postlicensure supervised
31 practice and who meets the following criteria:

- 32 (1) Has received supervisory performance ratings of average or above for
33 the five years immediately preceding application for licensure as a
34 licensed psychological associate-independent.
- 35 (2) Has received one year of supervision from the most recent supervisor.
- 36 (3) Has received a recommendation from the most recent supervisor for
37 independent practice.
- 38 (4) Holds a current Health Services Provider certification.
- 39 (5) If licensed as a licensed psychological associate after January 1, 2004,
40 passes the licensing qualifying examination at the independent practice
41 level as established by the Board."

42 **SECTION 6.** G.S. 90-270.18(b) reads as rewritten:

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

- 1 (1) Application fees for licensed ~~psychologists and licensed psychological~~
2 ~~associates~~psychologists, licensed psychological associates, and
3 ~~licensed psychological associate-independents~~ per ~~G.S. 90-270.11(a)~~
4 ~~and (b)(1)~~, G.S. 90-270.11(a), (b)(1), and (b1), or G.S. 90-270.13, shall
5 not exceed one hundred dollars (\$100.00).
6 (2) Fees for the national written examination shall be the cost of the
7 examination to the Board plus an additional fee not to exceed fifty
8 dollars (\$50.00).
9 (3) Fees for additional examinations shall be as prescribed by the Board.
10 (4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not
11 exceed two hundred fifty dollars (\$250.00) per biennium. This fee may
12 not be prorated.
13 (5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be
14 twenty-five dollars (\$25.00).
15 (6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall not
16 exceed one hundred dollars (\$100.00).
17 (7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be
18 twenty-five dollars (\$25.00).
19 (8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g),
20 shall be twenty-five dollars (\$25.00).
21 (9) Application fees for a health services provider certificate, per G.S.
22 90-270.20, shall be fifty dollars (\$50.00)."

23 **SECTION 7.** G.S. 90-270.20 is amended by adding a new subsection to
24 read:

25 "(d1) Any licensed psychological associate-independent who is qualified by
26 education and supervised experience, holds permanent licensure, and provides or offers
27 to provide health services to the public must be certified as a health services provider
28 psychological associate (HSP-PA). The Board may, upon verification of qualifications
29 and the meeting of all requirements for licensure as a licensed psychological
30 associate-independent, issue the license and certificate simultaneously. An application
31 fee, as specified in G.S. 90-270.18(b)(9), must be paid."

32 **SECTION 8.** G.S. 58-50-30(b) reads as rewritten:

33 "(b) For the purposes of this section, a "duly licensed psychologist" is a licensed
34 psychologist who holds permanent licensure and certification as a health services
35 provider psychologist or health services provider psychological associate issued by the
36 North Carolina Psychology Board."

37 **SECTION 9.** Pursuant to rules established by the Board, any licensed
38 psychological associate accorded Level 3 reduced supervision of one hour each month
39 on the effective date of this act shall be issued a license as a licensed psychological
40 associate-independent.

41 **SECTION 10.** The member to be appointed by the Governor pursuant to
42 G.S. 90-270.6, as enacted in Section 3 of this act, who is a licensed psychological
43 associate-independent shall be appointed for a three-year term to commence when this
44 act becomes effective.

1

SECTION 11. This act is effective when it becomes law.