

CHAPTER 465 PSYCHOLOGISTS

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§465-1 Definitions. As used in this chapter, unless the context otherwise requires:

"Board" means the board of psychology.

"Director" means the director of commerce and consumer affairs.

"Institution of higher education" means a university, professional school, or other institution of higher learning that:

- (1) In the United States, is regionally accredited by bodies approved by the Council on Postsecondary Accreditation and the United States Department of Education;
- (2) In Canada, holds a membership in the Association of Universities and Colleges of Canada; or
- (3) In other countries, is accredited by the respective official organization having such authority.

"Licensed" means the authority to engage in the autonomous practice of psychology. The terms certified, registered, chartered, or any other term chosen by a jurisdiction used in the same capacity as licensed are considered equivalent terms.

"Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, organizations, institutions, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

"Professional psychology training program" means a doctoral training program that includes (1) and (2), or (1) and (3) of the following:

- (1) Is a planned program of study which reflects an integration of the science and practice of psychology including practica and internship; and
- (2) Is designated as a doctoral program in psychology by the Association of State and Provincial Psychology Boards and the National Register of Health Service Providers in Psychology or is accredited by the Canadian Psychological Association; or
- (3) Is offered in a regionally accredited institution of higher education.

"Psychologist" means a person who offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology. A person represents to be a psychologist if the person uses any title or description of services incorporating the words "psychology," "psychological," "psychologist," or "psychotherapy," or if the person offers or renders to individuals or to groups of individuals services defined as the practice of psychology.

"Regionally accredited institution" means an institution of higher education accredited by the bodies approved by the Council on Postsecondary Accreditation and the United States Department of Education.

§465-2 License required. Except as otherwise provided in this chapter, it shall be unlawful to represent one's self as a psychologist or engage in the practice of psychology without having first obtained a license as provided in this chapter.

§465-3 Exemptions. (a) This chapter shall not apply to:

- (1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided that the person shall not engage in the practice of psychology outside the responsibilities of the person's employment;

- (2) Any person who performs any, or any combination of the professional services defined as the practice of psychology under the direction of a licensed psychologist in accordance with rules adopted by the board; provided that the person may use the term "psychological assistant", but shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;
 - (3) Any person employed by a local, state, or federal government agency in a school psychologist or psychological examiner position, or a position that does not involve diagnostic or treatment services, but only at those times when that person is carrying out the functions of such government employment;
 - (4) Any person who is a student of psychology, a psychological intern, or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and who is designated by a title as "psychology trainee", "psychology student", "psychology intern", or "psychology resident", that indicates the person's training status; provided that the person shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;
 - (5) Any person who is a member of another profession licensed under the laws of this jurisdiction to render or advertise services, including psychotherapy, within the scope of practice as defined in the statutes or rules regulating the person's professional practice; provided that, notwithstanding section 465-1, the person does not represent the person's self to be a psychologist or does not represent that the person is licensed to practice psychology;
 - (6) Any person who is a member of a mental health profession not requiring licensure; provided that the person functions only within the person's professional capacities; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological; or
 - (7) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacities as a member of the clergy; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological.
- (b) Nothing in this chapter shall in any way restrict any person from carrying on any of the psychological activities as defined in section 465-1; provided that such person does not offer psychological services as defined in this chapter except as such activities are incidental to the person's lawful occupational purpose.
- (c) A person may use the title of industrial/organizational psychologist, provided that the person registers with the board, and:
- (1) Is professionally competent in the practice of industrial/organizational psychology; and
 - (2) Holds a doctoral degree from an accredited institution of higher education with training and education in industrial/organizational psychology, satisfactory to the board; and

SULLA, JR. shall not represent SULLA, III as a "clinical psychologist" without license or as member of the clergy.



- (3) Provides psychological service or consultation to organizations which does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals, without regard to the source or extent of payment for services rendered.
- (d) Nothing in this chapter shall prevent the provision of expert testimony by a psychologist who is otherwise exempted by this chapter.
- (e) Nothing in this chapter shall be construed as permitting the administration of prescription of drugs, or in any way engaging in the practice of medicine as defined in the laws of the State.

[§465-3.5] Public service employment. (a) Notwithstanding other provisions in this chapter the director of health may certify that there is an absence or shortage of licensed psychologists for government employment in a particular locality. Upon receiving certification of the absence or shortage, the board shall authorize the director to hire and retain persons currently in government employment to fill the absence or shortage; provided persons hired or retained have been duly licensed as a psychologist by written examination under the laws of another state or territory of the United States prior to 1977.

(b) Persons hired and retained under this section shall be exempt from the requirements of this chapter for no more than eighteen months while employed in a government position that the director continues to certify as subject to an absence or shortage.

(c) In no case shall persons hired and retained under the provisions of this section provide private patient care for a fee.

§465-4 Board of psychology; appointment, qualifications, term, expenses. There is created a board of psychology consisting of seven members. There shall be five members representing varied specialties of the profession, each of whom shall be licensed to practice psychology under this chapter and have a minimum of five years of post-doctoral professional experience, and two lay members from the community at large. A lay member shall not be a psychologist, an applicant, or former applicant for licensure as a psychologist.

§465-5 REPEALED.

§465-6 Powers and duties. In addition to any other powers and duties authorized by law, the board shall:

- (1) Examine the qualifications of applicants for licensing under this chapter to determine their eligibility for licensing as psychologists;
- (2) Administer and grade examinations for applicants as may be required for the purposes of this chapter. The board shall determine the examinations and the score that shall be deemed a passing score. Examinations shall be scheduled at least once annually;