

JOINT COMMITTEE OF REFERENCE

House Health and Senate Health, Welfare  
Aging and Environment

A REPORT  
ON THE SUNRISE REVIEW  
OF THE APPLICATION FOR REGULATION  
OF PSYCHOLOGISTS

DATE: December 14, 1989

TO: THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE

CO-CHAIRMEN: REPRESENTATIVE BRENDA BURNS  
SENATOR JAMES J. SOSSAMAN

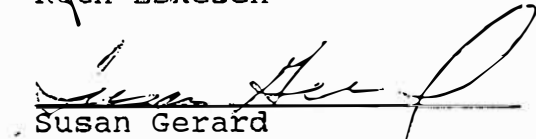
Pursuant to Title 32, Chapter 31, Arizona Revised Statutes, the Joint Committee of Reference, after performing a sunrise review and conducting a public hearing, recommends that:

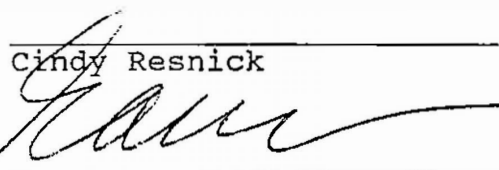
The profession of psychology be licensed.

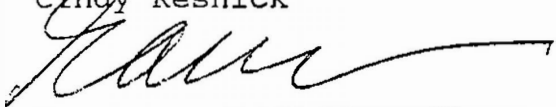
JOINT COMMITTEE OF REFERENCE

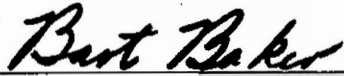
HOUSE MEMBERS

  
Ruth Eskesen

  
Susan Gerard

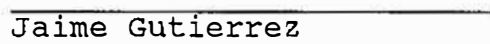
  
Cindy Resnick


  
Earl Wilcox

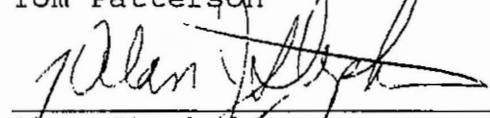
  
Bart Baker, Co-Chairman

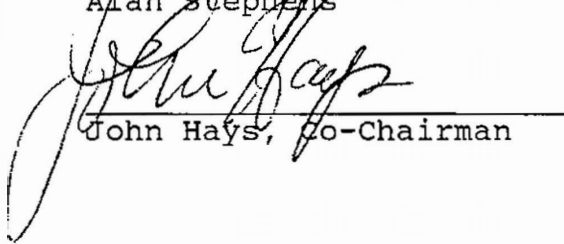
SENATE MEMBERS

  
Jan Brewer

  
Jaime Gutierrez

  
Tom Patterson

  
Alan Stephens

  
John Hays, Co-Chairman

## JOINT COMMITTEE OF REFERENCE

### A REPORT ON THE SUNRISE REVIEW OF THE APPLICATION FOR REGULATION OF PSYCHOLOGISTS

#### Background

Arizona law currently requires that psychologists be certified by the State Board of Psychologist Examiners. The Arizona Psychological Association (AzPA) submitted a report on September 15, 1989 requesting that psychologists be licensed and that the statutory definition of a psychologist's scope of practice be modified.

Pursuant to section 32-3104, Arizona Revised Statutes, the Joint Legislative Oversight Committee assigned the application for regulation submitted by AzPA to the Joint Committee of Reference of House Health and Senate Health, Welfare, Aging and Environment.

#### Joint Committee of Reference Sunrise Review

On October 26, 1989, the Joint Committee of Reference held a public hearing to receive testimony concerning the application for licensure submitted by AzPA. Witnesses included members of the association, a staff person from the Auditor General's Office, as well as a representative of the Consortium for the Advancement of Diversified Psychology Programs.

In compliance with section 32-3106, Arizona Revised Statutes, the application AzPA submitted addresses each of the four factors that the Joint Committee of Reference must consider in the course of sunrise review of a professional group's application for increased scope of practice. The following is a brief summary of AzPA's response to each factor.

1. **A definition of the problem and why a change in scope of practice is necessary, including the extent to which consumers need, and will benefit from, practitioners with this scope of practice.**
  - o Current statute does not contain a meaningful definition of the scope of practice of a psychologist. The proposed definition does not broaden the existing scope and may actually restrict it. The proposed language includes only those activities that psychologists in Arizona have routinely provided under current statutes.
  - o There is frequent public confusion as to the exact nature of psychologists' activities and how these activities resemble or differ from those of other health care

providers. In addition, the lack of specificity in the current definition creates burdens for the Board of Psychologist Examiners in its efforts to monitor the profession.

**2. The extent to which the public can be confident that qualified practitioners are competent, including:**

**(a) Evidence that the profession's regulatory board has functioned adequately in protecting the public.**

- o Despite the problems posed by the existing language of the statutes, the Board of Psychologist Examiners has a good record of protecting the public welfare, as documented in the Auditor General's performance office submitted in May 1989.

**(b) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or endorse standards, or a code of ethics.**

- o The profession of psychology possesses numerous quality assurance standards, including the Code of Ethics of the American Psychological Association, as well as standards adopted by many of the association's boards and committees.

**(c) Evidence that state approved educational programs provide or are willing to provide core curriculum adequate to prepare practitioners at the proposed level.**

- o Because the proposed definition simply specifies the appropriate activities in which psychologists may engage and does not change the nature of any of the activities, Arizona's state approved training programs in psychology already provide the necessary curricula to prepare practitioners at this level.

**3. The extent to which an increase in the scope of practice may harm the public, including the extent to which an increased scope of practice will restrict entry into practice and whether the proposed legislation requires registered, certified or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification and licensure if the other jurisdiction has requirements for registration, certification or licensure substantially equivalent to those in this state.**

- o The proposed definition concerning the scope of practice of psychologists will not create additional restrictions

on entry into practice. Practitioners licensed or certified in other jurisdictions who migrate to Arizona must qualify in the same manner as in-state applicants.

**4. The cost to this state and to the general public of implementing the proposed increase in scope of practice.**

- o A clarification of the definition of scope of practice should have no adverse impact on the costs to the state. In fact, making the definition more specific will increase the efficiency of the board's operation.

**Committee Recommendations**

The Joint Committee of Reference recommends the following:

- o The existing statutes regulating the profession of psychology should be amended to require licensure of psychologists;
- o The proposed legislation modifying the statutes that govern the profession of psychology should be referred to the appropriate standing committees of the House and the Senate, and the following amendments prepared:
  - The proposed definition of scope of practice should be revised to ensure that it does not encompass standard activities of professions other than psychology or of unregulated persons who provide support or counseling services in the course of their work with a support group or telephone counseling service;
  - The class 5 felony classification for violation of certain statutes should be deleted.

MINUTES OF  
JOINT COMMITTEE OF REFERENCE MEETING  
HOUSE HEALTH COMMITTEE  
AND  
SENATE HEALTH, WELFARE, AGING AND ENVIRONMENT COMMITTEE

DATE: Monday, November 20, 1989

TIME: 10:00 a.m.

PLACE: House Hearing Room #2

SUBJECT: Adoption of Final Report on Regulation of Psychologists

Co-chairman Baker called the meeting to order at 10:30 a.m. and the following roll call was noted:

Members Present

Representative Baker, Co-chairman  
Representative Eskesen  
Representative Gerard  
Representative Resnick  
Senator Hays, Co-chairman  
Senator Brewer  
Senator Gutierrez  
Senator Patterson

Members Absent

Representative Wilcox  
Senator Stephens

LAURIE WAKEFIELD, House Research Analyst, explained the draft report on the sunrise review of the application for regulation of psychologists. She indicated that the purpose of the meeting is to indicate any areas of the draft that need revision. In brief, the recommendations include:

1. Amending existing statutes to require licensure rather than certification of psychologists.
2. Proposed legislation for modifying statutes to ensure that the definition of scope of practice does not encompass standard activities of professions other than psychology.
3. Deleting the class 5 felony classification for violation of certain statutes, thereby leaving in place the present class 2 misdemeanor.

Senator Patterson questioned the scope of practice and asked what type of things would be done only by a psychologist. He also asked why licensing is being sought since psychologists are currently certified.

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**APPLICATION FOR PSYCHOLOGIST REGULATION**  
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**CHARLIE STEVENS, Legislative Counsel for the Arizona Psychological Association,** responded stating that the scope of practice is not clearly set out. He explained that a medical doctor can practice psychology because the statutory definition for a medical doctor is much broader. He also pointed out that the lawful practice of any other professional who is licensed would be exempt from this act. In response to Senator Patterson's question on licensing, Mr. Stevens explained that 45 other states now license psychologists.

**DANIEL BLACKWOOD, PhD., Arizona Psychological Association,** stated that mental health care is a multi-level field and there are many overlapping areas such as psychotherapy, biofeedback, etc. He explained that psychologists are uniquely trained and qualified to render a psychological diagnosis.

Representative Baker asked if the Psychology Board supports the change from certification to licensing.

**PEGGY LA VOY, Executive Director of the Psychology Board,** stated that the Board supported certification and in a recent meeting had not made any decision on licensing.

**CANDACE R. BENYEI, PhD., Chairperson, National Psychology Advisory Board,** explained that she represents a group of people who believe that psychology comes from a very broad base of disciplines; basically they believe that the practice of psychology is strengthened by that diversity, however, it is difficult to define. She added that their philosophy for therapy is based on a health model rather than a pathology model. Ms. Benyei stated that they oppose any attempt to define what psychology really is because it usually narrows the definition to those who practice from one model and would limit choice in treatment.

Representative Eskesen asked how licensing would affect the group she represents. Ms. Benyei responded that, although it would not limit her personally, her group objects to the core curriculum in the proposed bill, which is not broad enough. She pointed out that there are many schools with non-traditional programs, based on European models, that do not require students to meet in a classroom but on a one-on-one basis with faculty. They are not diploma mills but allow flexibility, particularly important for older students.

**CHARLES HOUSE, Arizona Psychology Advisory Board,** voiced his opposition. He stated that he has earned masters degrees from Arizona State University, Northern Arizona University and the University of Phoenix and is currently studying to be a psychologist through the Union Institute. However, he told of several people who have studied and would be well qualified to be

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psychologists but have attended schools that would not be acceptable under this proposal. He pointed out that there is no grandfather clause in the proposed bill, even for those people who have already started in their doctoral program.

**RENE DIAZ-LEFEBVRE, PhD.**, a professor at Rio Salado Community College, spoke in opposition to some of the restrictions in the proposed legislation. He explained that he was educated in psychology in a very traditional program but has also gone through non-traditional courses. Dr. Diaz-Lefebvre stressed that alternative programs are not more or less than traditional programs, they're just different. He pointed out that while his graduate work was good, as a working adult he did not have the flexibility to go to school at specific times and days. As a result he continued his education through accredited non-traditional programs.

Dr. Diaz-Lefebvre has also been involved in different education delivery systems. He worked with migrant farm workers and in his present teaching position with Rio Salado Community College, he teaches in shopping malls and prisons and soon will be teaching a class by telecommunications which will reach businessmen, the homebound, and others. He stated that he is not certified or licensed so the outcome of this proposal will have no bearing on him personally. He simply wanted to address the committee concerning diversity and the importance of making alternative programs available to the public.

**ANNE RYAN, State Chairman, Arizona Psychology Advisory Board**, stated that she is a fourth year doctoral student and opposes several areas of the bill. She pointed out that the proposed legislation contains language identical to model acts supported by the American Psychological Association and would prevent graduates from alternative programs from practicing psychology in the state because they could not sit for the licensing exam. Ms. Ryan also opposed the residency requirement and she referred to a court decision which, in her opinion, made the requirement unconstitutional.

Charlie Stevens responded that the use of model legislation is not unusual. He also explained that to obtain certification as a psychologist under the present law a doctorate degree from an approved program is required just as in many other professions such as law, medicine, etc. Mr. Stevens also rebutted the court case mentioned by Ms. Ryan. He stated that it was a medical case that was a boycott and restraint of trade issue between physicians and providers in a small community wherein physicians in a group practice systematically took steps to exclude a competitive provider from membership on the medical staff of the only local

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hospital. He indicated that the case had nothing to do with the residency requirement that Dr. Blackwood will address.

Daniel Blackwood spoke stating that residency is a confusing word with at least three different concepts: 1) residency may mean a year of training, 2) it may mean living in the state for a year, or 3) a year of undergraduate school being in residence. He indicated that the purpose of this language was to eliminate the problem of diploma mills, however, he felt they could come up with new language that would be agreeable to everyone.

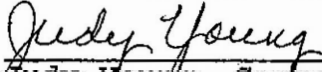
Senator Brewer expressed both concern and confusion over the proposed bill. She questioned the apparent dissention between the Psychology Board and the Arizona Psychology Association over the need for licensing. Also of concern was the effect such legislation might have on our education system, prison system, and various support groups where psychological tests and counseling may be provided by other than certified psychologists. Representative Eskesen voiced the same concern for unlicensed people who provide support and counseling, such as Alcoholics Anonymous, drug counseling programs, suicide hot lines, etc.

After discussion, Senator Hays moved, seconded by Representative Eskesen, that the committee approve the report with the changes indicated. In addition, Ms. Wakefield would develop language to address the support groups. With these changes, the motion carried on the following vote:

<u>YES</u>	<u>NO</u>
Representative Baker	Senator Brewer
Representative Eskesen	Senator Gutierrez
Representative Gerard	Senator Patterson
Senator Hays	

THE MEETING ADJOURNED AT 12:05 P.M.

Respectfully submitted,

  
\_\_\_\_\_  
Judy Young, Secretary

jy  
11-22-89

(A copy of the draft report is on file with the original minutes.)





# DRAFT

## JOINT COMMITTEE OF REFERENCE

House Health and Senate Health, Welfare  
Aging and Environment

### A REPORT ON THE SUNRISE REVIEW OF THE APPLICATION FOR REGULATION OF PSYCHOLOGISTS

TO: THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE

CO-CHAIRMEN: REPRESENTATIVE BRENDA BURNS  
SENATOR JAMES J. SOSSAMAN

Pursuant to Title 32, Chapter 31, Arizona Revised Statutes, the Joint Committee of Reference, after performing a sunrise review and conducting a public hearing, recommends that:

**The profession of psychology be licensed.**

## JOINT COMMITTEE OF REFERENCE

### HOUSE MEMBERS

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Ruth Eskesen

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Susan Gerard

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Cindy Resnick

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Earl Wilcox

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Bart Baker, Co-Chairman

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Tom Patterson

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Alan Stephens

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D R A F T

JOINT COMMITTEE OF REFERENCE

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ON THE SUNRISE REVIEW  
OF THE APPLICATION FOR REGULATION  
OF PSYCHOLOGISTS

Background

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Joint Committee of Reference Sunrise Review

On October 26, 1989, the Joint Committee of Reference held a public hearing to receive testimony concerning the application for licensure submitted by AzPA. Witnesses included members of the association, a staff person from the Auditor General's Office, as well as a representative of the Consortium for the Advancement of Diversified Psychology Programs.

In compliance with section 32-3106, Arizona Revised Statutes, the application AzPA submitted addresses each of the four factors that the Joint Committee of Reference must consider in the course of sunrise review of a professional group's application for increased scope of practice. The following is a brief summary of AzPA's response to each factor.

1. **A definition of the problem and why a change in scope of practice is necessary, including the extent to which consumers need, and will benefit from, practitioners with this scope of practice.**
  - o Current statute does not contain a meaningful definition of the scope of practice of a psychologist. The proposed definition does not broaden the existing scope and may actually restrict it. The proposed language includes only those activities that psychologists in Arizona have routinely provided under current statutes.
  - o There is frequent public confusion as to the exact nature

of psychologists' activities and how these activities resemble or differ from those of other health care providers. In addition, the lack of specificity in the current definition creates burdens for the Board of Psychologist Examiners in its efforts to monitor the profession.

**2. The extent to which the public can be confident that qualified practitioners are competent, including:**

**(a) Evidence that the profession's regulatory board has functioned adequately in protecting the public.**

- o Despite the problems posed by the existing language of the statutes, the Board of Psychologist Examiners has a good record of protecting the public welfare, as documented in the Auditor General's performance office submitted in May 1989.

**(b) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or endorse standards, or a code of ethics.**

- o The profession of psychology possesses numerous quality assurance standards, including the Code of Ethics of the American Psychological Association, as well as standards adopted by many of the association's boards and committees.

**(c) Evidence that state approved educational programs provide or are willing to provide core curriculum adequate to prepare practitioners at the proposed level.**

- o Because the proposed definition simply specifies the appropriate activities in which psychologists may engage and does not change the nature of any of the activities, Arizona's state approved training programs in psychology already provide the necessary curricula to prepare practitioners at this level.

**3. The extent to which an increase in the scope of practice may harm the public, including the extent to which an increased scope of practice will restrict entry into practice and whether the proposed legislation requires registered, certified or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification and licensure if the other jurisdiction has requirements for registration, certification or licensure substantially equivalent to those in this state.**

- o The proposed definition concerning the scope of practice of psychologists will not create additional restrictions on entry into practice. Practitioners licensed or certified in other jurisdictions who migrate to Arizona must qualify in the same manner as in-state applicants.
4. **The cost to this state and to the general public of implementing the proposed increase in scope of practice.**
- o A clarification of the definition of scope of practice should have no adverse impact on the costs to the state. In fact, making the definition more specific will increase the efficiency of the board's operation.

**Committee Recommendations**

The Joint Committee of Reference recommends the following:

- o The existing statutes regulating the profession of psychology should be amended to require licensure of psychologists;
- o The proposed legislation modifying the statutes that govern the profession of psychology should be referred to the appropriate standing committees of the House and the Senate, and the following amendments be prepared:
  - The proposed definition of scope of practice should be revised to ensure that it does not encompass standard activities of professions other than psychology;
  - The class 5 felony classification for violation of certain statutes should be deleted.

Sen. Seay

MINUTES OF

JOINT COMMITTEE OF REFERENCE MEETING  
HOUSE HEALTH COMMITTEE  
AND

SENATE HEALTH, WELFARE, AGING AND ENVIRONMENT COMMITTEE

DATE: Thursday, October 26, 1989  
TIME: 2:00 p.m.  
PLACE: House Hearing Room #3  
SUBJECT: Consideration of Application for Psychologist Regulation

Co-chairman Baker called the meeting to order at 2:10 p.m. and the following roll call was noted:

MEMBERS PRESENT

Representative Baker, Co-chairman  
Representative Gerard  
Senator Brewer  
Senator Gutierrez

MEMBERS ABSENT

Senator Hays, Co-chairman  
Representative Eskesen  
Representative Resnick  
Representative Wilcox  
Senator Patterson  
Senator Stephens

Representative Baker stated a complete rewrite of the statutes relating to psychologists was before the Committee. He expressed concern that the form of the proposed legislation was not easily understood because all new language had been used with new statute numbers instead of showing the changes in upper case so the members could compare the proposed changes with existing statute. (A copy of the proposed legislation is filed with the original minutes.)

PATRICIA I. JOHNSON, President of the Arizona Psychology Association, explained the proposed statute changes and stated that the present law has not been amended since 1965. She said all states regulate the practice of psychology and 45 states currently license psychologists with the national trend being that the psychology profession be licensed rather than certified.

In response to Representative Baker's question, Dr. Johnson explained the difference between the Psychologist Association and societies in general is that the societies are local groups such as the Maricopa Society, which serve primarily social and some education and activity functions. The State Association's primary goals include education and legislative action.

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**APPLICATION FOR PSYCHOLOGIST REGULATION**  
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**MICHAEL O. MILLER**, a psychologist with the Arizona Psychologist Association, who also served as the co-chairman of the task force which drafted the proposed legislation, explained the task force was formed in July of 1988 and consisted of about 30 members and consultants. At their initial meetings, they reviewed Arizona law and examined the Model Licensure Act published by the National Association of Psychologists. He said input was solicited from major constituents such as the Universities and the Arizona Board of Psychology Examiners and they will be gathering more ideas next month at their annual fall convention.

In response to Representative Baker's question, Dr. Miller stated there were three areas where significant changes were being proposed to current statute: the discipline section, which is completely rewritten and follows that of other professions; the administration of the law, which has the least changes; and licensing, which describes qualifications for psychologists, where some changes were made, however not to the scope of practice.

Senator Gutierrez asked for more specific information regarding the areas of licensing and discipline. Dr. Miller explained that Dr. Blackwood would speak to the issue of licensing and added that under the present certification statutes there is no definition of scope of practice.

In response to Senator Gutierrez regarding the need for licensing, Dr. Miller explained certification governs title, nothing else, whereas licensure governs the activity. He said present law governs the use of the title "psychologist" but if someone is incompetent and doesn't call himself a psychologist, the Board does not have authority to discipline them.

Senator Brewer stated it was her understanding the difference was certification required presenting credentials and becoming certified whereas licensure required a person to pass an examination.

**CHARLIE STEVENS**, Legislative Counsel for the Arizona Psychological Association, explained psychologists presently have certification, but they also meet all of the requirements for licensure. They are required to pass an examination, which is usually not customary for certification. He explained the 1979 Auditor General's Report recommended that psychologists be licensed but because they are in effect licensed, this time the Auditor General said everything is fine and they don't need licensure and he concluded that's where the confusion lies.

Mr. Stevens explained that the proposed Psychologist's Act is based on the Medical Practice Act he drafted a long time ago.

Senator Gutierrez said he understood the scope of practice is not being broadened by this proposed legislation. Mr. Stevens confirmed that was true and said what is in the law presently is the broadest scope possible. He explained under the Sunrise procedures two things are necessary to qualify: regulation of a profession and increasing the scope of practice of the profession. He stated the second part was difficult and in his opinion and his partner's, the proposed

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legislation decreases the scope of practice by now defining what psychologists do as what they do at the present time.

Senator Gutierrez questioned the need to address this area now, instead of in the Regular Session, since it isn't a question of broadening the scope of practice. Representative Baker explained that there were three or four House members who would do everything they could to kill this legislation if it did not go through the Sunrise procedure. Senator Gutierrez expressed concern that this did not meet the criteria to qualify for Sunrise proceedings. Representative Baker stated he had the same feeling but was overruled and he also felt a standing Committee could do the same thing as the Committee of Reference.

Senator Brewer explained this would qualify for Sunrise due to the fact that the psychologists are not licensed, although they do meet all the criteria for licensure.

Charlie Stevens stated he believed the proposed legislation limits the scope of practice of psychologists, but rather than take a chance, he filed the application for Sunrise. He explained because H.B. 2262 was passed this year, it became a requirement to file an application by September of the year preceding the Session where the legislation would be submitted and that application is what the Committee is now considering.

Mr. Stevens explained the reason the psychologists need to be licensed as opposed to just being certified is because they deal with people with psychological problems who are particularly vulnerable to unprofessional conduct. He emphasized psychological evaluations are the basis of many decisions in the courts today.

Addressing the Auditor General's findings regarding problems by the Board in handling complaints, Mr. Stevens explained that inadequate disciplinary options of suspension, revocation and probation have been replaced in the proposed legislation with the Auditor General's suggestions for letters of concern, decrees of censure and civil penalties.

Mr. Stevens explained letters of concern are issued when a psychologist does something wrong that isn't very severe and a letter is put in his file, not open to the public. The Board would then know that at one time some disciplinary action was taken, minor as it may be. He stated a decree of censure is issued for a more serious violation and is put in their file and available to the public. He concluded civil penalties reimburse the Board for the expenses incurred for discipline, which monies are deposited in the General Fund.

Mr. Stevens also added the draft proposal takes care of another of the Auditor General's concerns regarding using consultants rather than Board members to investigate complaints, which is proposed in the new legislation.

Mr. Stevens explained the major points of the proposed legislation and added the cost to the State for implementing the legislation does not increase because the



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Board is in place and will continue functioning. He explained that section 32-3107 states that any legislation which contains continuing education requirements for health professions shall be accompanied by evidence that such requirements have been proven effective. He concluded that the legislation is broken into three articles which follow exactly the Medical Practice Act.

Representative Baker asked that the scope of practice be identified and the Committee be informed what the differences are between present law and the proposed legislation. Dr. Blackwood responded that in existing statute the scope is defined as the professional activities and services of a psychologist. He stated because that language is vague, a definition of the practice of psychology was included in section 32-2061.

Senator Brewer asked what the present certification fee is and would there be an increase with licensure. Dr. Blackwood responded a \$200 application fee is charged presently and \$200 for biannual renewal. He stated the draft legislation allows higher ceilings than are currently in law but does not specify what the fee would be.

In response to Senator Brewer, Dr. Blackwood said he was speaking on behalf of the State Psychological Association and was a member of their Board.

Senator Brewer asked Dr. Blackwood how he felt the public would benefit from licensure as opposed to certification. Dr. Blackwood stated because present statute regulates the title of psychologist, not their activities, if a psychologist now calls himself by another title, then the Board presently has no power over that person's activities. If they regulate the practice of that person and they call themselves by another title, the Board would still have the power to act.

Responding to Senator Brewer, Dr. Blackwood stated, to his knowledge, the proposed legislation would not exclude anyone legitimately practicing now.

Senator Brewer asked if child therapists, family therapists, or sex therapists would be affected by this new legislation. Dr. Blackwood stated they would potentially be affected if they are not a member of any legitimate profession who is exempted by the Board and is not qualified and trained to provide the services.

Senator Brewer questioned an issue that had arisen at Arizona State University's Psychology Department regarding accreditation. Dr. Johnson stated the controversy no longer exists and explained she was a student in 1973 through 1975 during which time a change in the administration took place and the program was reevaluated. She stated the program was placed on probation, the chairman was replaced and since that time the Department has been accredited. Dr. Johnson said those persons who received their certification during that period of time would not be affected by the new legislation if they are working now.

Senator Brewer questioned whether the State would assume more liability under

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licensure rather than certification. Mr. Stevens stated in his estimation they would not.

Representative Baker stated it was essential that when this legislation is brought before a Committee this next Session it should be rewritten in a form showing how it differs from present statute.

**BILL THOMSON**, Director of the Performance Audit Division of the Auditor General's Office, explained that the Auditor General's office found themselves in an unusual situation because there are two proceedings going on; the sunset committee meeting next week and this proceeding and they felt they should appear before this Committee to present some of the information they would be presenting at the Sunset meeting.

Mr. Thomson explained that under Sunset law an examination is required as to whether the level of regulation is appropriate, so the Auditor General's Report examined the issue of certification versus licensure. He pointed out that when you license and define a scope of practice you will make it illegal, in fact a class 5 felony, in the proposed legislation. The Auditor General concluded that licensure should be used as a last resort because it does involve the police power of the State. They also concluded that psychologists need to be regulated, but that is part of certification and because psychology is a "low risk" profession, the harm to the public is minimal and regulation can be done through certification.

Senator Brewer pointed out that the Auditor General's Report stated that the Psychology Board concurred with the Auditor General that certification should continue. Mr. Thomson stated he understood there were individuals who did not agree, but that was what the Board had provided them in writing.

**PEGGY LA VOY**, Executive Director of the Psychology Board, stated there are some Board members who think licensure is good but they have a problem with defining the practice of psychology without licensing each individual area of psychology, i.e. clinical psychologists and counseling psychologists. She said the Board decided the certification act was in essence a licensure act and they didn't have any problem being called licensed or certified psychologists because the requirements are the same.

In answer to Senator Brewer, Ms. La Voy stated there are seven members on the Psychology Board, five of whom are psychologists.

Representative Baker emphasized that there is nothing that defeats an effort in the Legislature than having two positions from the same group, and stressed they needed to get their heads together.

Representative Gerard asked what other professions would be impacted if psychologists were licensed. Mr. Thomson stated examples might be persons involved in drug and alcohol rehabilitation.

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Representative Gerard asked how barbers and cosmetologists, who are licensed, would be more of a danger or threat than psychologists. Mr. Thomson explained that the Auditor General recommended deregulating both of those professions.

Referring to the definition in proposed section 32-2075, Senator Gutierrez questioned if groups existed who would be impacted, who do not fall under the definition. Mr. Stevens stated they are not impacted now, nor would they be impacted in the future because the definition is now tightened up and there is no intention of regulating other professions.

Regarding Senator Brewer's concern over the increase from a misdemeanor to a Class 5 felony, Mr. Stevens stated the point was well taken and in present law it's a Class 2 misdemeanor and if the Legislators are not happy with the change it did not have to be made.

Mr. Miller pointed out that perhaps the examples given on page 2, line 19 of the draft legislation are causing the problem. Senator Brewer agreed and Representative Baker instructed staff to look at making a change in that area.

**CHARLES HOUSE**, representing citizens opposed to changes in the State law on psychology licensure, explained that he had only found out about the meeting a short time before and just read a copy of the proposed legislation. He read a letter from Ann Ryan, of the National Psychology Advisory Board, which stated that the Consortium for the Advancement of Diversified Psychology Programs does not object to the licensing of psychologists in Arizona but strenuously objects to certain elements of the requirements proposed by the Arizona Psychological Association (APA) because they are discriminating, anti-trade and unconstitutional. He said the Consortium requests that the Legislature send a representative to the State of Arizona Board of Psychologists Examiners meeting at 9:00 a.m., November 3, 1989.

Mr. House explained that to enact the licensure requirement could prevent certain rehabilitation psychologists from being licensed which could have a result of underserving handicapped people in the State of Arizona. He said there are prominent universities that are not accredited, among which are Harvard University, MIT and Princeton University. He disagreed with testimony that it would not amount to any more cost to the State because the proposed legislation would prevent a number of people from practicing psychology and in doing so people will challenge the law, which the State will have to bear the expense of.

Mr. House, in response to members' questions, explained that he is currently studying to be a psychologist with the Union Institute in Cincinnati, Ohio. He explained he did not enroll in an Arizona university program because it is a requirement here not to work while in this State's programs.

In response to Mr. House's testimony, Mr. Stevens stated there was no guidance from the APA because the proposed legislation was copied from the Medical Practice Act. He added there is a grandfathering provision in the proposed legislation.

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Dr. Blackwood clarified that the proposed legislation does not include only those programs approved by the APA, but rather specifically states that applicants for licensure shall come from a program accredited by the APA or those who have completed a doctorate from an educational institution.

In response to Representative Baker, Dr. Johnson stated there were approximately 1,200 certified psychologists and 800-900 actually reside in the State.

Mr. House stated the grandfathering clause affects people currently certified in Arizona, not people currently in the process of studying to receive their doctorate.

Representative Baker asked Legislative Staff to prepare a short report on the Committee's recommendations. He stated he personally saw no reason not to Sunrise and Senator Brewer said she did not have a problem with licensure either.

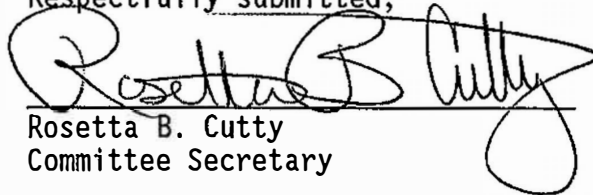
Senator Brewer also expressed concern that the definition problem be resolved and the misdemeanor versus felony issue be addressed. Senator Gutierrez stated he did not have a problem with the principle of licensing but did want to protect other valid occupations, adding there was still a great deal of uncertainty.

Representative Baker asked that page 11, subsection F of the proposed legislation be reworded to cover other occupations. Mr. Stevens stated they would be happy to work on it.

Representative Baker asked Legislative Staff to include the page 11, subsection F issue in the report and that the Committee recommendations include a suggestion that the statutes be rewritten.

Representative Baker adjourned the meeting at 4:10 p.m.

Respectfully submitted,

  
Rosetta B. Cutty  
Committee Secretary

MEETING OF COMMITTEE ON

Hearing Room No. 5

Psychology

Date 10-26-89

NAME

REPRESENTING

BILL NO.

Charles House

Persons opposed to changes in the state law

Douglas R. Pae

Myself, a Doctoral Student

Betty Kjellberg

Az Psychological Assoc.

Michael O. Miller

Az Psychological Assn.

DANIEL BLACKWOOD PhD

Az Psychological Assoc.

Peggy LaJoy

Psychology Board

PATRICIA JOHNSON

AZ PSYCHOLOGICAL ASSOC.

David L. ...

Az Psych Assoc.

Bill Thomson

Auditor General

Health  
Health

Water  
Commission  
of NRA

APPLICATION FOR  
PSYCHOLOGIST REGULATION  
Pursuant to A.R.S. § 32-3104

Prepared for:

Joint Legislative Oversight  
Committee

Co-Chairmen:

Senator James T. Sossaman

Representative Brenda Burns

September 15, 1989

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**Arizona Psychological Association  
Report Submitted Pursuant to A.R.S. § 32-3104  
September 13, 1989**

This report is submitted by the Arizona Psychological Association as provided by A.R.S. § 32-3104. The report relates to matters covered by § 32-3106 even though there is some question as to whether the scope of practice of psychology is being changed in the proposed act. Because psychologists are currently regulated under § 32-3101.1, this report does not respond to the requirements of § 32-3105.

**§ 32-3106. Applicants for increase in scope of practice; factors**

**Applicant groups for increased scope of practice shall explain each of the following factors to the extent requested by the legislative committee of reference:**

- 1. A definition of the problem and why a change in scope of practice is necessary including the extent to which consumers need and will benefit from practitioners with this scope of practice.**

At the present time there is no meaningful definition of the scope of practice of psychologists in A.R.S. § 32-2061 or § 32-2084. Thus, the proposed language does not actually broaden the existing scope and may in fact actually restrict it. The proposed definition of the scope of practice of psychologists includes only those standard activities which psychologists in Arizona have provided routinely under the current statutes. The proposed definition does not include any new activities nor does it include any activities which are prohibited under the current certification statutes.

The public need for psychologists' services is well established, manifested by the number of psychologists in practice in Arizona, the recognition of psychologists' services by the courts and other government agencies, and the recognition of psychologists in health care planning and funding in both the public and private sectors. Nevertheless, there is frequent confusion among the general public as to the exact nature of psychologists' activities and how these activities resemble or differ from other health care providers. In addition, the lack of specificity in the existing law creates burdens and obstacles for the Board of Psychologists Examiners (BPE) in its efforts to monitor the profession.

According to the May 1989 Performance Audit of the Board of Psychologist Examiners (Auditor General's report), "persons who seek psychological services usually do so at a time when they are particularly vulnerable to unprofessional conduct." With this point in mind, it is important that the law clearly delineates the services, activities, procedures, and techniques that are within the purview of the psychologist's practice.

- 2. The extent to which the public can be confident that qualified practitioners are competent including:**

**(a) Evidence that the profession's regulatory board has functioned adequately in protecting the public.**

Even with the problems created by the existing language in the law, the BPE has a good record of providing for the public welfare, as documented in the Auditor General's report cited above.

**(b) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or endorse standards or a code of ethics.**

The profession of psychology as a health care discipline possesses numerous quality assurance standards. The American Psychological Association has a Code of Ethics, and there are numerous boards and committees of the Association which promulgate standards of practice, provide education concerning these standards, and monitor and review the adherence of psychologists to these standards. The Arizona Psychological Association has similar provisions for assurance of high quality service plus the BPE collaborates with other BPE's across the nation to maintain up-to-date rules and regulations to ensure the highest standards of practice.

**(c) Evidence that state approved educational programs provide or are willing to provide core curriculum adequate to prepare practitioners at the proposed level.**

Since the proposed definition of the scope of practice of psychologists simply specifies the appropriate activities of psychologists and does not change the nature of the activities presently conducted by psychologists in Arizona or in other states, Arizona's state-approved training programs in psychology, including those funded by the state, are already providing the necessary curricula to prepare practitioners at this level. Faculty from the three state universities have participated in the development of the proposed definition.

**3. The extent to which an increase in the scope of practice may harm the public including the extent to which an increased scope of practice will restrict entry into practice and whether the proposed legislation requires registered, certified or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification and licensure if the other jurisdiction has substantially equivalent requirements for registration, certification or licensure as those in this state.**

The proposed definition concerning the scope of practice of psychologists will not create additional restrictions on entry into practice. Practitioners licensed or certified in other jurisdictions who migrate to Arizona must qualify in the same manner as in-state applicants.



**4. The cost to this state and to the general public of implementing the proposed increase in scope of practice.**

Clarifying the definition of scope of practice of psychologists should have no adverse impact on the costs to the state. In fact, making the definition more specific will increase the efficiency of the BPE's operation.

**§ 32-3107. Continuing education requirements; evidence of effectiveness**

**Any legislative proposal which contains a continuing education requirement for a health profession shall be accompanied by evidence that such a requirement has been proven effective for the health profession.**

The proposed act does not specifically mandate a continuing education requirement. It does, however, direct the Board of Psychologist Examiners to determine a minimum yearly standard for continuing education.

It is difficult to measure the impact of continuing education programs. A search of the literature has found no articles that specifically address the impact of continuing education on the practice of psychologists. However, an article in the Journal of the American Medical Association (January 6, 1984) reviewed some well-designed studies of the effectiveness of continuing education for physicians. These studies demonstrated that practitioner behavior can be improved by continuing education interventions.

Despite the lack of clear-cut research in this area, the real goal of continuing education is to help protect the public from incompetent or unmotivated practitioners. Promoting continuing education for evidence of continued competence is perceived by the public as promoting competence and helps to enhance the public regard of the profession. The public has come to expect that all health care practitioners will seek educational opportunities to maintain and improve their skills and knowledge.

The American Psychological Association's Code of Ethics states that the maintenance of high standards of competence is a responsibility of all psychologists. Under this Code, psychologists are expected to maintain knowledge of current scientific and professional information related to the services they render. Mandatory continuing education requirements encourage psychologists to maintain this current knowledge base.

Continuing education is a growing trend in psychology throughout the United States. Currently 19 states require some form of continuing education for psychologists and several other states are in the process of implementing or considering such a requirement. The American Psychological Association is considering adoption of a policy statement to support mandates by state licensing bodies to require continuing education for continued licensure.

DRAFT OF PROPOSED LEGISLATION

Article 1. **Board of Psychologist Examiners**

- 32-2061 Definitions
- 32-2062 Board of examiners; qualifications; appointments; terms; compensation
- 32-2063 Powers and duties
- 32-2064 Meetings; quorum; committees; rules
- 32-2065 Board of psychologist examiners fund
- 32-2066 Directory; change of address; costs; penalties
- 32-2067 Fees

Article 2. **Licensure**

- 32-2071 Qualifications of applicant; education; training
- 32-2072 Examinations; exemptions from examination
- 32-2073 Temporary licenses; inactive status
- 32-2074 Active license; issuance; registration; renewal; expiration
- 32-2075 Limitations of practice; exemptions from licensure
- 32-2076 Practice of medicine unauthorized

Article 3. **Regulation**

- 32-2081 Grounds for disciplinary action
- 32-2082 Right to examine and copy evidence; summoning witnesses and documents; taking testimony; right to counsel; court aid; process
- 32-2083 Judicial review
- 32-2084 Injunction
- 32-2085 Violations; classification
- 32-2086 Confidential communications
- 32-2087 Substance abuse treatment and rehabilitation program
- 32-2088 Savings clause

Article 1. Board of Psychologist Examiners

§ 32-2061. Definitions

In this chapter, unless the context otherwise requires:

1. "Active license" means a valid and existing license to practice psychology.
2. "Adequate records" means legible psychological records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment.
3. "Board" means the State Board of Psychologist Examiners.
4. "Letter of concern" means an advisory letter to notify a psychologist that, while there is insufficient evidence to support disciplinary action, the board believes the psychologist should modify or eliminate certain practices and that continuation of the activities which led to the information being submitted to the board may result in action against the psychologist's license.
5. "Health care institution" means any facility as defined in § 36-401 or any person authorized to transact disability insurance, as defined in title 20, chapter 6, article 4 or 5, or any person who is issued a certificate of authority pursuant to title 20, chapter 4, article 9 or any other partnership, association or corporation that provides health care to consumers.
6. "Practice of psychology" means the diagnosis or the treatment or the correction of or the attempt or the holding of oneself out as being able to diagnose, treat, or correct any or all mental, emotional and psychological illnesses, disorders, problems and concerns. The practice of psychology may include the evaluation and treatment of vocational, social, educational, behavioral, intellectual, learning and cognitive disorders; 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, 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.
7. "Psychologically incompetent" means lacking in sufficient psychological knowledge or skills, or both, to a degree likely to endanger the health of patients.
8. "Psychologist" means a natural person holding a license to practice psychology pursuant to this chapter.
9. "Unprofessional conduct" includes the following activities and such additional activities as are defined as unprofessional conduct by the rules and regulations of the board:
  - a. Obtaining a fee by fraud or misrepresentation.
  - b. Betraying professional confidences.
  - c. Making use of statements of a character tending to deceive or mislead the public.
  - d. Aiding or abetting a person, not licensed as a psychologist under the provisions of this chapter, in representing that person as a psychologist in this state.

- 41 e. Gross negligence in the practice of a psychologist.
- 42 f. Sexual intimacies with patients.
- 43 g. Engaging or offering to engage as a psychologist in activities not congruent with the  
44 psychologist's professional education, training, and experience.
- 45 h. Failing or refusing to maintain adequate records on a patient or failing or refusing to make  
46 such records promptly available to another psychologist upon request and receipt of proper  
47 authorization.
- 48 i. Commission of a felony, whether or not involving moral turpitude, or a misdemeanor involving  
49 moral turpitude. In either case, conviction by any court of competent jurisdiction or a plea  
50 of no contest is conclusive evidence of the commission.

51 **§ 32-2062. Board of examiners; qualifications; appointments; terms; compensation**

- 52 A. The state board of psychologist examiners shall consist of eight members who shall be appointed by  
53 the governor pursuant to § 38-211.
- 54 B. Each member of the board shall be a citizen of the United States and a resident of this state at the  
55 time of appointment. Six members shall be licensed as provided in this chapter and two shall be  
56 public members not eligible for licensure. The board shall at all times, except for the period when  
57 a vacancy exists, have at least two members representing the psychology departments in the state  
58 universities and at least three members who are psychologists in professional practice. Appointments  
59 of members who are psychologists to the board shall be made by the governor from a list submitted  
60 by the Arizona Psychological Association, Inc. containing at least two names for each vacancy to be  
61 filled. The governor may require the Arizona Psychological Association, Inc. to submit an additional  
62 list as deemed expedient.
- 63 C. Each member shall serve for a term of five years commencing and expiring on the third Monday in  
64 January of the appropriate year.
- 65 D. A vacancy on the board occurring other than by the expiration of term shall be filled by appointment  
66 by the governor for the unexpired term as provided in subsection B. The governor, after a hearing,  
67 may remove any member of the board for misconduct, incompetency, or neglect of duty.
- 68 E. Members of the board shall receive compensation as determined pursuant to § 38-611 for each day  
69 actually and necessarily spent in the performance of their duties.
- 70 F. Members of the board shall be personally immune from suit with respect to all acts done and actions  
71 taken in good faith and in furtherance of the purposes of this chapter.
- 72 G. The board shall submit a written report to the governor no later than August 31 of each year on the  
73 board's licensing and disciplinary activities for the previous fiscal year. Public members appointed  
74 to the board may submit a separate written report to the governor by August 31 of each year setting  
75 forth their comments relative to the board's licensing and disciplinary activities for the previous fiscal  
76 year.

77 § 32-2063. Powers and duties

78 A. The board shall:

- 79 1. Adopt rules and regulations consistent with and necessary to carry out the provisions of this  
80 chapter;
- 81 2. Administer and enforce the provisions of this chapter and the rules, regulations, and orders  
82 of the board;
- 83 3. Regulate the granting, denial, revocation, renewal and suspension of licenses, and disciplinary  
84 action and rehabilitation of licensees pursuant to applicable state laws and rules and  
85 regulations promulgated by the board;
- 86 4. Prescribe the forms, content and manner of application for licensure and set deadlines for  
87 receipt of materials required by the board;
- 88 5. Establish through rules and regulations a fee schedule, which shall be reviewed annually;
- 89 6. Keep a record of all persons licensed, of actions taken on all applicants and licensees, of  
90 disciplinary actions of licensees, and of receipt and disbursement of monies;
- 91 7. Establish rules and regulations regarding confidentiality of its records;
- 92 8. Adopt an official seal for attestation of licenses and other official papers and documents; and
- 93 9. Investigate charges of violations of this chapter or the rules, regulations, or orders of the  
94 board.

95 B. In investigating cases involving violations of this chapter or the rules, regulations, or orders of the  
96 board, the board may, notwithstanding chapter 24 of this title, employ investigators who may be  
97 psychologists. In addition, the board may appoint hearing officers to preside at administrative  
98 hearings. The board or hearing officers may take and hear evidence, administer oaths and  
99 affirmations, and compel by subpoena the attendance of witnesses and the production of books,  
100 papers, records, documents, or other information pertaining to the investigation or a hearing of  
101 matters under investigation.

102 C. The board shall employ an executive director, who shall serve at the pleasure of the board, and such  
103 other permanent or temporary personnel as it may deem necessary to carry out the purposes of this  
104 chapter. Compensation for all such personnel shall be as determined pursuant to § 38-611.

105 D. The board shall annually elect, from among its membership, a chairperson, a vice-chairperson and  
106 a secretary, who shall hold their respective offices at the pleasure of the board.

107 § 32-2064. Meetings; quorum; committees; rules

108 A. The board shall hold regular quarterly meetings on such date and at such time and place as the  
109 chairperson or vice-chairperson in that person's absence may designate. The board shall hold such  
110 special meetings, including meetings utilizing conference telephone or other similar communications  
111 equipment by means of which all members participating in the meeting can hear each other, as the  
112 chairperson or vice-chairperson in that person's absence may determine to be necessary to carry out  
113 the functions of the board. The board shall hold special meetings on Saturdays as the chairperson

114 or vice-chairperson in that person's absence may determine necessary to carry out the functions of  
115 the board.

116 B. The chairperson of the board may establish such committees from among the membership of the  
117 board and define their duties as that person deems necessary to carry out the functions of the board.

118 C. The board may promulgate rules pursuant to title 41, chapter 6 that are necessary and proper to carry  
119 out the purposes of this chapter.

120 **§ 32-2065. Board of psychologist examiners' fund**

121 A. All monies received by the board shall be paid to the state treasurer who shall deposit ten per cent  
122 of such monies in the general fund and ninety per cent in the board of psychologist examiners' fund.

123 B. All monies deposited in the board of psychologist examiner's fund shall be subject to the provisions  
124 of § 35-143.01.

125 **§ 32-2066. Directory; change of address; costs; penalties**

126 A. The board shall annually compile and publish a directory containing:

127 1. The names and addresses of the officers and members of the board;

128 2. The names and addresses of all persons holding a license to practice psychology in this state;

129 3. The current certified rules and regulations of the board;

130 4. A copy of this chapter; and

131 5. Additional information as the board deems of interest and importance to licensed psychologists.

132 B. Persons holding a current license to practice psychology in this state shall promptly and in writing  
133 inform the board of their current residence, office address, and telephone number and of each change  
134 in their residence and office address or telephone number that may later occur.

135 C. A copy of the directory shall be given free of charge to each person licensed under this chapter. The  
136 board shall make additional copies available at a price determined by the board.

137 D. The board may assess the costs incurred by the board in locating a licensee and in addition may  
138 assess a penalty of not to exceed one hundred dollars against a licensee who fails to comply with the  
139 provisions of subsection B within thirty days from the date of change.

140 **§ 32-2067. Fees**

141 A. The board shall by a formal vote, at its annual fall meeting, establish fees and penalties which do  
142 not exceed the following:

143 1. For an application for an active license to practice psychology, five hundred fifty dollars;

144 2. For an application for a temporary license to practice psychology, two hundred dollars.

145 3. For a duplicate license, fifty dollars.

- 146 4. For renewal of an active license, two hundred dollars.
- 147 5. For late renewal of an active license, a two hundred dollar penalty.
- 148 B. The board shall charge additional fees for services not required to be provided by this chapter but  
149 which the board deems necessary and appropriate to carry out its intent and purpose, except that  
150 such fees shall not exceed the actual cost of providing such service.

151 Article 2. Licensure

152 § 32-2071. Qualifications of applicant; education; training

- 153 A. Applicants for licensure shall possess a doctoral degree in psychology from an institution of higher  
154 education. Applicants for licensure shall have completed a doctoral program in psychology that is  
155 accredited by the American Psychological Association or shall have completed a doctorate from an  
156 educational institution that:
- 157 1. Has graduate programs approved or accredited by a regional accrediting agency;
  - 158 2. Has a program identified and labeled as a psychology program which stands as a recognized,  
159 coherent organizational entity within the institution;
  - 160 3. Has an identifiable psychology faculty and a psychologist responsible for the program;
  - 161 4. Has a core program which requires each student to demonstrate competence in the following  
162 content areas:
    - 163 a. Scientific and professional ethics and standards in psychology;
    - 164 b. Research, e.g. design, methodology, statistics, and psychometrics;
    - 165 c. Biological basis of behavior; e.g. physiological psychology, comparative psychology,  
166 neuropsychology, sensation and perception, psychopharmacology;
    - 167 d. Cognitive-affective basis of behavior; e.g. learning, thinking, motivation, and emotion.
    - 168 e. Social basis of behavior; e.g. social psychology, group processes, organizational and  
169 systems theory;
    - 170 f. Individual differences; e.g. personality theory, human development, abnormal  
171 psychology;
  - 172 5. Has a psychology program that leads to a doctoral degree requiring at least the equivalent  
173 of three full-time academic years of graduate study:
    - 174 a. two years of which are at the institution from which the doctoral degree is granted,  
175 and
    - 176 b. one year of which is in full-time residence at the institution from which the doctoral  
177 degree is granted; and



- 178 6. Has the requirement that the student must successfully defend a dissertation, the content of  
179 which is primarily psychological, or an equivalent project acceptable to the board.
- 180 B. If the institution is located outside the United States, the applicant must demonstrate that the  
181 program meets the requirements of § 32-2071(A).
- 182 C. For admission to the licensure examinations, an applicant shall demonstrate that two years of  
183 supervised professional experience have been successfully completed. The first year of supervised  
184 professional experience shall be:
- 185 1. An internship that is approved by the American Psychological Association Committee on  
186 Accreditation;
  - 187 2. An internship that is a member of the Association of Psychology Internship Centers; or
  - 188 3. An organized training program which is designed to provide the trainee with a planned,  
189 programmed sequence of training experience, the focus and purpose of which is to assure  
190 breadth and quality of training, and which meets the following criteria:
    - 191 a. The training program shall have a clearly designated staff psychologist who is  
192 responsible for the integrity and quality of the training and who is licensed or certified  
193 by the state board of psychologist examiners in the state in which the program exists;
    - 194 b. The training program shall have at least two psychologists on staff as supervisors, at  
195 least one of whom is licensed or certified as a psychologist by the state board of  
196 psychologist examiners in the state in which the program exists;
    - 197 c. Supervision shall be provided by the person who carries clinical responsibility for the  
198 cases being supervised. At least half of the training supervision shall be provided by  
199 one or more psychologists;
    - 200 d. Training shall include a range of assessment and treatment activities conducted directly  
201 with patients;
    - 202 e. A minimum of 25% of a trainee's time shall be in direct patient contact (a minimum  
203 of 375 hours);
    - 204 f. Training shall include a minimum of two hours per week of regularly scheduled, formal,  
205 face-to-face, individual supervision with the specific intent of dealing with psychological  
206 services rendered directly by the trainee. There also shall be at least two additional  
207 hours per week in other learning activities;
    - 208 g. Training shall be at a post clerkship, post practicum, and post externship level;
    - 209 h. The training program shall provide interaction with other psychology trainees;
    - 210 i. Trainees shall have a title such as "intern", "resident", "fellow", or other designation of  
211 trainee status;
    - 212 j. The training organization shall have a written statement which describes the goals and  
213 content of the training and states clear expectations for quality and quantity of a  
214 trainee's work; and
    - 215 k. The training experience shall be a minimum of 1500 hours and must be completed  
216 within 24 consecutive months.

- 217 D. The second year of supervised professional experience shall be post doctoral and meet the following  
218 criteria:
- 219 1. The training experience may start upon the written certification by the applicant's educational  
220 program that the applicant has satisfied all requirements for the doctoral degree and upon  
221 written certification that the applicant has completed an appropriate internship;
  - 222 2. Supervision shall be conducted by a psychologist who is licensed or certified by the state  
223 board of psychologist examiners in the state in which the supervision occurs and who is  
224 competent in the areas of functioning of the applicant;
  - 225 3. The supervising psychologist shall take full legal responsibility for the welfare of the patient,  
226 diagnosis, intervention, and outcome of the intervention. The supervisor shall take reasonable  
227 steps to ensure that patients are informed of the supervisee's training and status;
  - 228 4. The supervisor shall keep adequate records of supervision. These records shall include  
229 descriptions of the applicant's activities (with patients' names deleted) and shall be made  
230 available to the board upon its request;
  - 231 5. The supervisor shall be fully available for consultation in the event of emergency. The  
232 supervisor shall provide emergency consultation coverage for the supervisee in the event of  
233 the supervisor's unavailability;
  - 234 6. Supervision shall be conducted a minimum of one hour face-to-face, individual supervision  
235 for each 20 hours of experience. At least 600 hours of the supervisee's time shall be in direct  
236 contact with patients;
  - 237 7. The training experience shall be a minimum of 1500 hours and must be completed within  
238 36 consecutive months. No applicant shall receive credit for more than 40 hours of experience  
239 per week. Notwithstanding the provision of § 32-2071(D)(1), an applicant may receive credit  
240 for 300 hours accumulated after meeting the requirement of § 32-2071(C)(3)(k).

241 § 32-2072. Examinations; exemption from examination

- 242 A. Examinations to determine adequacy of education, training, and experience in applied psychology  
243 shall be held by the board at least twice per year. Applicants may not sit for examination until they  
244 have completed the education and experience requirements of this article. Applicants may not be  
245 licensed until all required examinations are passed.
- 246 B. One examination shall be developed under the auspices of the American Association of State  
247 Psychology Boards. This written examination shall be passed if the applicant's score is not less than  
248 70%. After failing three such written examinations, an applicant is not eligible for reexamination  
249 until such additional requirements as prescribed by the board of psychologist examiners are  
250 completed. This written test need not be administered to:
- 251 1. Applicants who show satisfactory evidence as specified by the board of having previously  
252 achieved a score on the test which equals or exceeds this state's criteria for passing the test;  
253 or
  - 254 2. Diplomates of the American Board of Examiners in Professional Psychology.
- 255 C. An additional examination shall be administered to applicants after successful completion of the  
256 written examination described in subsection B. This examination may cover areas of professional

257 ethics and professional practice consistent with the education and experience of the applicant, the  
258 Arizona Revised Statutes relating to the practice of psychology, and other areas deemed suitable by  
259 the board. Passing criteria shall be determined by the board.

260 D. A person certified as a psychologist in Arizona as of the effective date of this Act shall be deemed to  
261 have met all requirements of licensure under this Act and shall be eligible for renewal of licensure  
262 in accordance with the provisions of this Act. Those certified psychologists who are on inactive status  
263 as of the effective date of this act shall continue on inactive status until they meet the requirements  
264 of § 32-2073(E).

265 **§ 32-2073. Temporary licenses; inactive status**

266 A. The board may issue a temporary license to a psychologist licensed or certified under the laws of  
267 another jurisdiction, provided that the psychologist has made application to the board for licensure,  
268 has met the educational, experience, and the examination requirements of § 32-2072(B), and has  
269 applied in writing for such temporary license. Denial of licensure terminates the temporary license.

270 B. A temporary license issued pursuant to this section is effective from the date that the application is  
271 approved until the last day of the month in which the applicant is scheduled to take the examination  
272 as provided in § 32-2072(C).

273 C. A temporary license shall not be extended, renewed, reissued, or allowed to continue in effect beyond  
274 the period authorized by this section.

275 D. The board may place on inactive status and waive the license renewal fee requirements for a person  
276 who is temporarily or permanently unable to practice as a psychologist due to medical reasons. An  
277 initial request for waiver of renewal fees shall be accompanied by the renewal fee, which will be  
278 returned if the waiver is granted. The board shall judge each request for waiver of renewal fees on  
279 its own merits and may seek such verification as it deems necessary to substantiate the facts of the  
280 situation. The board shall review and redetermine, annually, the continuing eligibility of persons  
281 granted inactive status based on medical reasons. The board may also place on inactive status a  
282 person who has retired from practicing as a psychologist. A psychologist on inactive status shall only  
283 describe himself as inactive or retired and shall not practice as a psychologist.

284 E. Psychologists on inactive status may request reinstatement of their license to active status by applying  
285 to the board. The board shall determine whether the person has been or is in violation of any  
286 provisions of the psychologist licensure act and whether the person has maintained and updated his  
287 professional knowledge and capability to practice as a psychologist. The board may require the  
288 person to take or retake the licensure examinations and/or require other knowledge or skill training  
289 experiences. If approved for active status, the person shall pay a renewal fee equalling the original  
290 application for examination fee for the license to be reinstated.

291 **§ 32-2074. Active license; issuance; registration; renewal; expiration**

292 A. The board shall issue an active license to practice psychology in this state when the applicant has  
293 satisfied all of the requirements for licensure under this article.

294 B. Each person holding an active license to practice psychology in this state shall renew the license on  
295 or before January 1 of each year and pay the fee required by article 1, accompanied by a completed  
296 renewal form. Failure to renew an active license as required by this subsection on or before February  
297 1 additionally requires the payment of a penalty fee as required by the article for late renewal.  
298 Failure to renew an active license on or before May 1 shall result in the expiration of the active

- 299 license. A person who practices psychology in this state after his active license has expired is in  
300 violation of this chapter.
- 301 C. A person renewing an active license to practice psychology in this state shall attach to his completed  
302 renewal form a report of disciplinary actions or restrictions placed against his license by another state  
303 licensing or disciplinary board. The report shall include the name and address of the sanctioning  
304 agency or health care institution, the nature of the action taken, and a general statement of the  
305 charges leading to the action taken.
- 306 D. The board shall determine a minimum yearly standard for continuing education as a requirement for  
307 renewal of licensure under the present Act.
- 308 E. A person whose license has expired may reapply for a license to practice psychology as provided in  
309 this chapter.

310 **§ 32-2075. Limitations of practice, exemptions from licensure**

- 311 A. The board shall ensure through regulations and enforcement that licensees limit their practice to  
312 demonstrated areas of competence as documented by relevant professional education, training, and  
313 experience.
- 314 B. This chapter shall not be construed to limit the activities, services, and use of a title regulated by this  
315 chapter by a person who performs the activities and services and uses the title in that persons's  
316 official position and who is:
- 317 1. A "school psychologist" employed in a primary or secondary school setting and certified to  
318 use that title by the state department of education; or
- 319 2. An employee of a government agency in a subdoctorate position which uses the word  
320 "assistant" or "associate" after the title and is supervised by a doctorate position employee  
321 who is licensed as psychologist, including a temporary licensee.
- 322 C. This chapter shall not be construed to limit the activities, services and use of a title regulated by this  
323 chapter on the part of:
- 324 1. A student of psychology pursuing an official course of graduate study at an educational  
325 institution accredited or approved as provided in § 32-2071, if after the title the word "trainee",  
326 or "intern", or "extern" appears, and the student uses the title only in conjunction with  
327 activities and services which are a part of the supervised program; or
- 328 2. A person who resides out of state who is currently licensed or certified as a psychologist in  
329 that state, if the activities and services are within the psychologist's customary area of practice,  
330 do not exceed twenty days per year, are not otherwise in violation of this act and the patient  
331 or consumer of such activities and services is informed of the limited nature of these activities  
332 and services and that the psychologist is not licensed in this state.
- 333 D. Nothing in this Act shall be construed to limit the services and use of an official title on the part of  
334 a person in employ of Arizona State University, Northern Arizona University, or the University of  
335 Arizona for services that are a part of the instructional duties of that person's salaried position if the  
336 person has received the doctoral degree as provided in § 32-2071.
- 337 E. Nothing in this Act shall be construed to limit the use of the title "psychologist" on the part of a  
338 person who possesses a doctoral degree from an educational institution as defined in § 32-2071  
339 provided that such person is not engaged in the practice of psychology as defined in this Act.

340 P. Nothing in this Act shall be construed to prevent members of other recognized professions that are  
341 licensed, certified, or regulated under the laws of this state from rendering services within their scope  
342 of practice and code of ethics, provided that they do not represent themselves to be psychologists.  
343 Duly recognized members of the clergy shall not be restricted from functioning in their ministerial  
344 capacity, provided that they do not represent themselves to be psychologists.

345 § 32-2076. Practice of medicine unauthorized

346 This chapter does not authorize any person to engage in any manner in the practice of medicine as  
347 defined by the laws of this state, except that any person licensed as provided in this chapter or excepted  
348 from this chapter by § 32-2075 shall be permitted to diagnose, treat and correct human conditions  
349 ordinarily within the scope of the practice of a psychologist.

350 Article 3. Regulation

351 § 32-2081. Grounds for disciplinary action

352 A. The board on its own motion may investigate any evidence which appears to show that a psychologist  
353 is or may be incompetent, is or may be guilty of unprofessional conduct, or is or may be mentally  
354 or physically unable safely to engage in the practice of psychology. Any psychologist, or the Arizona  
355 Psychological Association, Inc., or any health care institution as defined in § 36-401 shall, and any  
356 other person may, report to the board any information such psychologist, health care institution,  
357 association, or individual may have which appears to show that a psychologist is or may be  
358 incompetent, is or may be guilty of unprofessional conduct, or is or may be mentally or physically  
359 unable safely to engage in the practice of psychology. The board shall notify the psychologist about  
360 whom such information has been received as to the content of such information within one hundred  
361 twenty days of receipt of such information. Any psychologist, health care institution, or other person  
362 who reports or provides information to the board in good faith shall not be subject to an action for  
363 civil damages as result thereof, and the name of the reporter if requested shall not be disclosed unless  
364 such information is essential to proceedings conducted pursuant to this section. It shall be an act  
365 of unprofessional conduct for any psychologist to fail to report as required by this section. Any health  
366 care institution that fails to report as required by this section shall be reported by the board to such  
367 institution's licensing agency.

368 B. A health care institution shall inform the board when the privileges of a psychologist to practice in  
369 such health care institution are denied, revoked, suspended, or limited because of actions by the  
370 psychologist which appear to show that that person is or may be incompetent, is or may be guilty  
371 of unprofessional conduct or is or may be mentally or physically unable to engage safely in the  
372 practice of psychology, along with a general statement of the reasons which led the health care  
373 institution to take such action. A health care institution shall inform the board when a psychologist  
374 under investigation resigns his or her privileges or when a psychologist resigns in lieu of disciplinary  
375 action by the health care institution. Notification shall include a general statement of the reasons  
376 for the resignation. The board shall inform all of the health care institutions in this state of such  
377 denial, revocation, suspension, or limitation and the general reason for such action, without divulging  
378 the name of the reporting health care institution.

379 C. The board shall require such mental, physical or psychological competence examination or any  
380 combination thereof and make such investigations as are necessary including investigational interviews  
381 between representatives of the board and the psychologist in question as may be required for the  
382 board to fully inform itself with respect to any information filed with the board under provisions of  
383 subsection A of this section.

- 384 D. If the board finds, based on the information it received under subsections A or B of this section,  
385 that the public health, safety, or welfare imperatively requires emergency action, and incorporates a  
386 finding to that effect in its order, the board may order a summary suspension of a license pending  
387 proceedings for revocation or other action. In the event that such an order of summary suspension  
388 is issued, the licensee also shall be served with a written notice of complaint and formal hearing,  
389 setting forth the charges made against him, and shall be entitled to a formal hearing before the board  
390 or a hearing officer on such charges within sixty days.
- 391 E. If, after completing its investigation, the board finds that the information provided pursuant to  
392 subsection A of this section is not of sufficient seriousness to merit direct action against the license  
393 of the psychologist, it may take either of the following actions:
- 394 1. Dismiss if, in the opinion of the board, the information is without merit; or
  - 395 2. File a letter of concern.
- 396 F. If, in the opinion of the board, and after completing the investigation, it appears such information  
397 is or may be true, the board may request an informal interview with the psychologist concerned. If  
398 the psychologist refuses such invitation or if that person accepts the same and if the results of such  
399 interview indicate suspension or revocation of the psychologist's license might be in order, then a  
400 formal complaint shall be issued and a formal hearing shall be had in compliance with subsections  
401 G and H of this section. If, after completing the investigation, at such informal interview, the board  
402 finds the information provided under subsection A of this section is not of sufficient seriousness to  
403 merit suspension or revocation of the license, it may take the following actions:
- 404 1. Dismiss if, in the opinion of the board, the information is without merit.
  - 405 2. File a letter of concern.
  - 406 3. Issue a decree of censure which constitutes an official action against the psychologist's license  
407 and which may include but not be limited to a requirement for restitution of fees to a patient  
408 resulting from violations of this chapter or rules promulgated under this chapter.
  - 409 4. Fix such period and terms of probation best adapted to protect the public health and safety,  
410 and to rehabilitate or to educate the psychologist concerned. Such probation, if deemed  
411 necessary, may include but not be limited to temporary suspension for not to exceed twelve  
412 months, restriction of the psychologist's license to practice psychology or a requirement for  
413 restitution of fees to a patient resulting from violations of this chapter or rules promulgated  
414 under this chapter. Failure to comply with any such probation shall be cause for filing a  
415 summons, complaint and notice of hearing pursuant to this section based upon the information  
416 considered by the board at the informal interview and any other acts or conduct alleged to  
417 be in violation of this chapter or rules adopted by the board pursuant to this chapter.
  - 418 5. Enter into an agreement with the psychologist to restrict or limit the psychologists' practice  
419 or activities in order to rehabilitate the psychologist, protect the public and ensure the  
420 psychologist's ability to safely engage in the practice of psychology.
- 421 G. If the board finds that the information provided in subsection A of this section warrants suspension  
422 or revocation of a license issued under this chapter, formal proceedings for the revocation or  
423 suspension of the license shall be immediately initiated as provided in title 41, chapter 6. Notice  
424 of a complaint and hearing is fully effective by mailing a true copy of the notice of complaint and  
425 hearing by certified mail addressed to the licensee's last known address of record in the board's files.  
426 Notice of the complaint and hearing is complete at the time of its deposit in the mail.

- 427 H. In an informal interview pursuant to subsection F of this section or in a hearing pursuant to  
428 subsection G of this section, the board, in addition to any other action which may be taken, may  
429 impose an administrative penalty in the amount of not less than three hundred dollars nor more than  
430 ten thousand dollars for each violation of this chapter or a rule promulgated under this chapter.
- 431 I. A hearing officer may conduct a hearing as provided by this chapter and shall submit a report of  
432 findings to the board within thirty days of the hearing. The board may affirm, reverse, adopt, modify,  
433 supplement, amend or reject the hearing officer's report in whole or in part.
- 434 J. A letter of concern is a public document and may be used in future disciplinary actions against a  
435 psychologist.
- 436 K. Any psychologist who after a formal hearing as provided in this section is found by the board to be  
437 guilty of unprofessional conduct, to be mentally or physically unable safely to engage in the practice  
438 of psychology or to be incompetent or any combination thereof shall be subject to censure, probation  
439 as provided in this section, suspension of license or revocation of license or any combination of these,  
440 and for such period of time or permanently and under such conditions as the board deems  
441 appropriate for the protection of the public health and safety and just in the circumstance.
- 442 L. If the board, during the course of any investigation, determines that a criminal violation may have  
443 occurred involving the delivery of health care, the particulars of such violation shall immediately be  
444 made available to the appropriate criminal justice agency for its consideration.
- 445 M. All monies collected from administrative penalties paid pursuant to this chapter shall be deposited  
446 in the state general fund.

447 § 32-2082. Right to examine and copy evidence; summoning witnesses and documents; taking testimony;  
448 right to counsel; court aid; process

- 449 A. In connection with the investigation by the board on its own motion, or as the result of information  
450 received pursuant to § 32-2081, subsection A, the board or its duly authorized agents or employees  
451 shall at all reasonable times have access to, for the purpose of examination, and the right to copy  
452 any documents, reports, records, or any other physical evidence of any person being investigated, or  
453 the reports, records, and any other documents maintained by and in possession of any hospital, clinic,  
454 psychologist's office, laboratory, pharmacy, or any other public or private agency or institution, and  
455 any health care institution as defined in § 36-401, if such documents, reports, records, or evidence  
456 relate to professional competence, unprofessional conduct, or the mental or physical ability of a  
457 licensed psychologist safely to practice psychology.
- 458 B. For the purpose of all investigations and proceedings conducted by the board:
- 459 1. The board on its own initiative, or upon application of any person involved in the  
460 investigation, may issue subpoenas compelling the attendance and testimony of witnesses, or  
461 demanding the production for examination or copying of documents or any other physical  
462 evidence if such evidence relates to professional competence, unprofessional conduct, or the  
463 mental or physical ability of a licensed psychologist safely to practice psychology. Within five  
464 days after the service of a subpoena on any person requiring the production of any evidence  
465 in that person's possession or control, such person may petition the board to revoke, limit, or  
466 modify the subpoena. The board shall revoke, limit, or modify such subpoena if in its opinion  
467 the evidence required does not relate to unlawful practices covered by this chapter, is not  
468 relevant to the charge which is the subject matter of the hearing or investigation, or if such  
469 subpoena does not describe with sufficient particularity the physical evidence required. Any  
470 member of the board, or any agent designated by the board may administer oaths or  
471 affirmations, examine witnesses and receive such evidence.

- 472 2. Any person appearing before the board shall have the right to be represented by counsel.
- 473 3. The superior court, upon application by the board or by the person subpoenaed, shall have  
474 jurisdiction to issue an order:
- 475 a. Requiring such person to appear before the board or the duly authorized agent to  
476 produce evidence relating to the matter under investigation; or
- 477 b. Revoking, limiting or modifying the subpoena if in the court's opinion the evidence  
478 demanded does not relate to unlawful practices covered by this chapter, is not relevant  
479 to the charge which is the subject matter of the hearing or investigation, or if such  
480 subpoena does not describe with sufficient particularity the evidence required. Any  
481 failure to obey such order of the court may be punished by such court as a contempt.
- 482 C. Patient records, including clinical records, psychological reports, laboratory statements and reports,  
483 any file, film, any other report or oral statement relating to diagnostic findings or treatment of  
484 patients, any information from which a patient or his family might be identified or information  
485 received and records kept by the board as a result of the investigation procedure outlined in this  
486 chapter shall not be available to the public.
- 487 D. Nothing in this section or any other provision of law making communications between a psychologist  
488 and the patient a privileged communication shall apply to investigations or proceedings conducted  
489 pursuant to this chapter. The board and its employees, agents, and representatives shall keep in  
490 confidence the names of any patients whose records are reviewed during the course of investigations  
491 and proceedings pursuant to this chapter.
- 492 E. Hospital records, staff records, staff review committee records, and testimony concerning such records  
493 and proceedings related to the creation of such records shall not be available to the public, shall be  
494 kept confidential by the board and shall be subject to the same provisions concerning discovery and  
495 use in legal actions as are the original records in the possession and control of hospitals, their staffs,  
496 and their staff review committees. The board shall use such records and testimony during the course  
497 of investigations and proceedings pursuant to this chapter.

498 § 32-2084. Judicial review

499 An appeal to the superior court of Maricopa county may be taken from decisions of the board pursuant  
500 to title 12, Chapter 7, article 6.

501 § 32-2085. Injunction

- 502 A. An injunction shall issue forthwith to enjoin the practice of psychology by either of the following:
- 503 1. One not licensed to practice psychology or exempted from the requirement therefor pursuant  
504 to this chapter;
- 505 2. A licensed psychologist whose continued practice will or well might cause irreparable damage  
506 to the public health and safety prior to the time proceedings under § 32-2081 could be  
507 instituted and completed.
- 508 B. In a petition for injunction pursuant to the paragraph numbered 1 of subsection A of this section it  
509 shall be sufficient to charge that the respondent on a day certain in a named county engaged in the



- 510 practice of psychology without a license and without being exempt from the requirements therefor  
511 pursuant to this chapter. No showing of damage or injury as the result thereof shall be required.
- 512 C. In a petition for injunction pursuant to the paragraph numbered 2 of subsection A of this section  
513 there shall be set forth with particularity the facts which make it appear that irreparable damage to  
514 the public health and safety will or well might occur prior to the time proceedings under § 32-2081  
515 could be instituted and completed.
- 516 D. An injunction shall issue forthwith to enjoin any act specified in § 32-2085, subsection B.
- 517 E. Such petition shall be filed by the board in the superior court of Maricopa county or in the county  
518 where the defendant resides or is found.
- 519 F. Issuance of injunction shall not relieve the respondent from being subject to any other proceedings  
520 under law provided for in this chapter or otherwise, and violation of an injunction shall be punished  
521 as for contempt of court.
- 522 G. In all other respects, injunction proceedings under this section shall be governed as near as may be  
523 by the law otherwise applicable to injunctions.

524 § 32-2085. **Violations; classification**

525 A. The following acts are class 5 felonies:

- 526 1. The practice of psychology by a person not licensed or exempted from licensure pursuant to  
527 this chapter;
- 528 2. Securing a license to practice psychology pursuant to this chapter by fraud or deceit; and
- 529 3. Impersonating a member of the board in issuing a license to practice psychology to another.

530 B. The following acts if committed by a person not licensed under this chapter or exempt from licensure  
531 pursuant to § 32-2075 are class 2 misdemeanors:

- 532 1. The use of the designation "Ph.D.", "Psy.D.", or "Ed.D." in a way that would lead the public  
533 to believe that a person was licensed to practice psychology in this state;
- 534 2. The use of the designation "doctor of psychology", "psychologist", or "psychotherapist"; and
- 535 3. The use of any words, initials, symbols, or combination thereof which would lead the public  
536 to believe such person was licensed to practice psychology in this state.

537 § 32-2086. **Confidential communications**

- 538 A. The confidential relations and communication between a psychologist licensed as provided in this  
539 chapter, including temporary licensees, and the patient are placed on the same basis as those  
540 provided by law between attorney and client. Unless the patient has waived the psychologist-patient  
541 privilege in writing or in court testimony, a psychologist shall not be required to divulge, nor shall  
542 the psychologist voluntarily divulge, information which was received by reason of the confidential  
543 nature of the psychologist's practice, except that the psychologist shall divulge to the board any  
544 information it subpoenas in connection with an investigation, public hearing, or other proceeding.  
545 The psychologist-patient privilege shall not extend to cases in which the psychologist has a duty to  
546 report information as required by Arizona Revised Statutes.

547 B. The psychologist shall ensure that patient records and communications are treated by clerical and  
548 paraprofessional staff at the same level of confidentiality and privilege required of the psychologist.

549 **§ 32-2087 Substance abuse treatment and rehabilitation program**

550 A. The board may establish a program for the treatment and rehabilitation of psychologists who are  
551 impaired by alcohol or drug abuse. This program shall include education, intervention, therapeutic  
552 treatment and posttreatment monitoring and support.

553 B. The board may contract with other organizations to operate the program established pursuant to  
554 subsection A of this section. A contract with a private organization shall include the following  
555 requirements:

556 1. Periodic reports to the board regarding treatment program activity.

557 2. Release to the board on demand of all treatment records.

558 3. Quarterly reports to the board regarding each psychologist's diagnosis, prognosis and  
559 recommendations for continuing care, treatment and supervision.

560 4. Immediate reporting to the board of the name of an impaired psychologist whom the treating  
561 organization believes to be a danger to the public or to the psychologist.

562 5. Reports to the board, as soon as possible, of the name of a psychologist who refuses to submit  
563 to treatment or whose impairment is not substantially alleviated through treatment.

564 C. The board may allocate an amount of not to exceed twenty dollars from each fee it collects from the  
565 annual renewal of active licenses pursuant to § 32-2067 for the operation of the program established  
566 by this section.

567 D. A psychologist who is impaired by alcohol or drug abuse shall agree to enter into a stipulated order  
568 with the board or the psychologist shall be placed on probation or be subject to other action as  
569 provided by law.

570 **§ 32-2088. Savings clause**

571 Each law of laws §§ 32-2061 to § 32-2087 inclusive and every part of each law is hereby declared to be  
572 an independent law, and the holding of any law or part thereof to be unconstitutional, void, or ineffective  
573 for any cause shall not affect the validity or constitutionality of any other law or part thereof.