

***This document is a Board produced copy of the North Carolina Psychology Practice Act; selected rules from Title 21, Chapter 54 of the North Carolina Administrative Code (21 NCAC 54); and additional information related to psychology licensure. Updated: September, 2004***

**NORTH CAROLINA PSYCHOLOGY PRACTICE ACT**

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psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

**90-270. 2. Definitions.**

The following definitions apply in this Article:

- (1) Board. -- The North Carolina Psychology Board.
- (2) Examination. -- Any and all examinations that are adopted by the Board and administered to applicants and licensees, including, but not limited to, the national examination, Board-developed examinations, and other examinations that assess the competency and ethics of psychologists and applicants.
- (3) Jurisdiction. -- Any governmental authority, including, but not limited to, a state, a territory, a commonwealth, a district of the United States, and a country or a local governmental authority thereof, that licenses, certifies, or registers psychologists.
- (4) Health Services. -- Those activities of the practice of psychology that include the delivery of preventive, assessment, or therapeutic intervention services directly to individuals whose growth, adjustment, or functioning is actually impaired or may be at substantial risk of impairment.
- (5) Institution of higher education. -- A university, a college, a professional school, or another institution of higher learning that:
  - a. In the United States, is regionally accredited by bodies approved by the Commission on Recognition of Postsecondary Accreditation or its successor.
  - b. In Canada, holds a membership in the Association of Universities and Colleges of Canada.
  - c. In another country, is accredited by the comparable official organization having this authority.
- (6) Licensed psychologist. -- An individual to whom a license has been issued pursuant to the provisions of this Article, whose license is in force and not suspended or revoked, and whose license permits him or her to engage in the practice of psychology as defined in this Article.
- (7) Licensed psychological associate. -- An individual to whom a license has been issued pursuant to the provisions of this Article, whose license is in force and not suspended or revoked, and whose license permits him or her to engage in the practice of psychology as defined in this Article.
- (7a) Neuropsychological. -- Pertaining to the study of brain-behavior relationships, including the diagnosis, including etiology and prognosis, and treatment of the emotional, behavioral, and cognitive effects of cerebral dysfunction through psychological and behavioral techniques and methods.
- (8) Practice of psychology. -- The observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior or of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, or mental health. The practice of psychology includes, but is not limited to: psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis, including etiology and prognosis, and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological and neuropsychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation,, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be

**90-270. 1. Title; purpose.**

(a) This Article shall be known and may be cited as the "Psychology Practice Act."

(b) The practice of psychology in North Carolina is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation to protect the public from the practice of

construed within the meaning of this definition without regard to whether payment is received for services rendered.

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

### **90-270. 3. Practice of medicine and optometry not permitted.**

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

### **90-270. 4. Exemptions to this Article.**

(a) Nothing in this Article shall be construed to prevent the teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions, provided that such teaching, research, service, or consultation does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services, without regard to the source or extent of payment for services rendered. Nothing in this Article shall prevent the provision of expert testimony by psychologists who are otherwise exempted by this act. Persons holding an earned master's, specialist, or doctoral degree in psychology from an institution of higher education may use the title "psychologist" in activities permitted by this subsection.

(b) Nothing in this Article shall be construed as limiting the activities, services, and use of official titles on the part of any person in the regular employ of the State of North Carolina or whose employment is included under the State Personnel Act who has served in a position of employment involving the practice of psychology as defined in this Article, provided that the person was serving in this capacity on December 31, 1979.

(c) Persons certified by the State Board of Education as school psychologists and serving as regular salaried employees of the Department of Public Instruction or local boards of education are not required to be licensed under this Article in order to perform the duties for which they serve the Department of Public Instruction or local boards of education, and nothing in this Article shall be construed as limiting their activities, services, or titles while performing those duties for which they serve the Department of Public Instruction or local boards of education. If a person certified by the State Board of Education as a school psychologist and serving as a regular salaried employee of the Department of Public Instruction or a local board of education is or becomes a licensed psychologist under this Article, he or she shall be required to comply with all conditions, requirements, and obligations imposed by statute or by Board rules upon all other licensed psychologists as a condition to retaining that license. Other provisions of this Article notwithstanding, if a person certified by the State Board of Education as a school psychologist and serving as a regular salaried employee of the Department of Public Instruction or a local board of education is or becomes a licensed psychological associate under this Article, he or she shall not be required to comply with the supervision requirements otherwise applicable to licensed psychological associates by Board rules or by this Article in the course of his or her regular salaried employment with the Department of Public Instruction or a local board of education, but he or she shall be required to comply with all other conditions, requirements, and

obligations imposed by statute or a local board of education or by Board rules upon all other licensed psychological associates as a condition to retaining that license.

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

(e) Nothing in this Article shall be construed to prevent qualified members of other professional groups from rendering services consistent with their professional training and code of ethics, provided they do not hold themselves out to the public by any title or description stating or implying that they are psychologists or are licensed, certified, or registered to practice psychology.

(f) Nothing in this Article is to be construed as prohibiting a psychologist who is not a resident of North Carolina who holds an earned doctoral, master's, or specialist degree in psychology from an institution of higher education, and who is licensed or certified only in another jurisdiction, from engaging in the practice of psychology, including the provision of health services, in this State for up to five days in any calendar year. All such psychologists shall comply with supervision requirements established by the Board, and shall notify the Board in writing of their intent to practice in North Carolina, prior to the provision of any services in this State. The Board shall adopt rules implementing and defining this provision.

(g) Except as otherwise provided in this Article, if a person exempt from the provisions of this Article and not required to be licensed under this Article is or becomes licensed under this Article, he or she shall be required to comply with all conditions, requirements, and obligations imposed by Board rules or by statute upon all other psychologists licensed under this Article.

(h) A licensee whose license is suspended or revoked pursuant to the provisions of G.S. 90-270.15, or an applicant who is notified that he or she has failed an examination for the second time, as specified in G.S. 90-270.5(b), or an applicant who is notified that licensure is denied pursuant to G.S. 90-270.11 or G.S. 90-270.15, or an applicant who discontinues the application process at any point must terminate the practice of psychology, in accordance with the duly adopted rules of the Board.

### **90-270. 5. Application; examination; supervision; provisional and temporary licenses.**

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

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

(c) All individuals who have yet to apply and who are practicing or offering to practice psychology in North Carolina, and all applicants who are practicing or offering to practice psychology in North Carolina, shall at

all times comply with supervision requirements established by the Board. The Board shall specify in its rules the format, setting, content, time frame, amounts of supervision, qualifications of supervisors, disclosure of supervisory relationships, the organization of the supervised experience, and the nature of the responsibility assumed by the supervisor. Individuals shall be supervised for all activities comprising the practice of psychology until they have met the following conditions:

- (1) For licensed psychologist applicants, until they have passed the examination to which they have been admitted by the Board, have been notified of the results, have completed supervision requirements specified in subsection (d) of this section, and have been informed by the Board of permanent licensure as a licensed psychologist; or
- (2) For licensed psychological associate applicants, until they have passed the examination to which they have been admitted by the Board, have been notified of the results, and have been informed by the Board of permanent licensure as a licensed psychological associate, after which time supervision is required only for those activities specified in subsection (e) of this section.

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

- (1) One of these years of experience shall be postdoctoral, and for this year, the Board may require, as specified in its rules, that the supervised experience be comparable to the knowledge and skills acquired during formal doctoral or postdoctoral education, in accordance with established professional standards.
- (2) One of these years may be predoctoral and the Board shall establish rules governing appropriate supervised predoctoral experience.
- (3) A psychologist who meets all other requirements of G.S. 90-270.11(a) as a licensed psychologist, except the two years of supervised experience, may be issued a provisional license by the Board for the practice of psychology. If the psychologist terminates the supervised experience before the completion of two years, the Board may place the psychologist on inactive status, during which time supervision will not be required, and the practice of psychology or the offer to practice psychology is prohibited. In the event a licensed psychologist issued a provisional license under this subsection is placed on inactive status or is completing the supervised experience on a part-time basis, the Board may renew the provisional license as necessary until such time as the psychologist has completed the equivalent of two years' supervised experience.

(e) A licensed psychological associate shall be supervised by a qualified licensed psychologist, or other qualified professionals, in accordance with Board rules specifying the format, setting, content, time frame, amounts of supervision, qualifications of supervisors, disclosure of supervisory relationships, the organization of the supervised experience, and the nature of the responsibility assumed by the supervisor. A licensed psychological associate who provides health services shall be supervised, for those activities requiring supervision, by a qualified licensed psychologist holding health services provider certification or by other qualified professionals under the overall direction of a qualified licensed psychologist holding health services provider certification, in accordance with Board rules. Except as provided below, supervision, including the supervision of health services, is required only when a licensed psychological associate engages in: assessment of personality functioning; neuropsychological evaluation; psychotherapy, counseling, and other interventions with clinical populations for the purpose of preventing or

eliminating symptomatic, maladaptive, or undesired behavior; and, the use of intrusive, punitive, or experimental procedures, techniques, or measures. The Board shall adopt rules implementing and defining this provision, and as the practice of psychology evolves, may identify additional activities requiring supervision in order to maintain acceptable standards of practice.

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

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

#### **90-270.6. Psychology Board; appointment; term of office; composition.**

For the purpose of carrying out the provisions of this Article, there is created a North Carolina Psychology Board, which shall consist of seven members appointed by the Governor. At all times three members shall be licensed psychologists, two members shall be licensed psychological associates, and two members shall be members of the public who are not licensed under this Article. Each member of the Board must reside in a different congressional district at the time of appointment. Due consideration shall also be given to the adequate representation of the various fields and areas of practice of psychology. Terms of office shall be three years. All terms of service on the Board expire June 30 in appropriate years. As the term of a psychologist member expires, or as a vacancy of a psychologist member occurs for any other reason, the North Carolina Psychological Association, or its successor, shall, having sought the advice of the chairs of the graduate departments of psychology in the State, for each vacancy, submit to the Governor a list of the names of three eligible persons. From this list the Governor shall make the appointment for a full term, or for the remainder of the unexpired term, if any. Each Board member shall serve until his or her successor has been appointed. As the term of a member expires, or if one should become vacant for any reason, the Governor shall appoint a new member within 60 days of the vacancy's occurring. No member, either public or licensed under this Article, shall serve more than three complete consecutive terms.

#### **90-270.7. Qualifications of Board members; removal of Board members.**

(a) Each licensed psychologist and licensed psychological associate member of the Board shall have the following qualifications:

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

(b) Each public member of the Board shall have the following qualifications:

- (1) Shall be a resident of this State and a citizen of the United States;
- (2) Shall be free of conflict of interest or the appearance of such conflict in performing the duties of the Board;
- (3) Shall not be a psychologist, an applicant or former applicant for licensure as a psychologist, or a member of a household that includes a psychologist.

(c) A Board member shall be automatically removed from the Board if he or she:

- (1) Ceases to meet the qualifications specified in this subsection;

- (2) Fails to attend three successive Board meetings without just cause as determined by the remainder of the Board;
- (3) Is found by the remainder of the Board to be in violation of the provisions of this Article or to have engaged in immoral, dishonorable, unprofessional, or unethical conduct, and such conduct is deemed to compromise the integrity of the Board;
- (4) Is found to be guilty of a felony or an unlawful act involving moral turpitude by a court of competent jurisdiction or is found to have entered a plea of **nolo contendere** to a felony or unlawful act involving moral turpitude;
- (5) Is found guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her Board duties by a court of competent jurisdiction; or
- (6) Is incapacitated and without reasonable likelihood of resuming Board duties, as determined by the Board.

**90-270.8. Compensation of members; expenses; employees.**

Members of the Board shall receive no compensation for their services, but shall receive their necessary expenses incurred in the performance of duties required by this Article, as prescribed for State boards generally. The Board may employ necessary personnel for the performance of its functions, and fix the compensation therefor, within the limits of funds available to the Board; however, the Board shall not employ any of its own members to perform inspectional or similar ministerial tasks for the Board. In no event shall the State of North Carolina be liable for expenses incurred by the Board in excess of the income derived from this Article.

**90-270.9. Election of officers; meetings; adoption of seal and appropriate rules; powers of the Board.**

The Board shall annually elect the chair and vice-chair from among its membership. The Board shall meet annually, at a time set by the Board, in the City of Raleigh, and it may hold additional meetings and conduct business at any place in the State. Four members of the Board shall constitute a quorum. The Board may empower any member to conduct any proceeding or investigation necessary to its purposes and may empower its agent or counsel to conduct any investigation necessary to its purposes, but any final action requires a quorum of the Board. The Board may order that any records concerning the practice of psychology relevant to a complaint received by the Board or an inquiry or investigation conducted by or on behalf of the Board be produced before the Board or for inspection and copying by representatives of or counsel to the Board by the custodian of such records. The Board shall adopt an official seal, which shall be affixed to all licenses issued by it. The Board shall make such rules and regulations not inconsistent with law, as may be necessary to regulate its proceedings and otherwise to implement the provisions of this Article.

**90-270.10. Annual report.**

On June 30 of each year, the Board shall submit a report to the Governor of the Board's activities since the preceding July 1, including the names of all licensed psychologists and licensed psychological associates to whom licenses have been granted under this Article, any cases heard and decisions rendered in matters before the Board, the recommendations of the Board as to future actions and policies, and a financial report. Each member of the Board shall review and sign the report before its submission to the Governor. Any Board member shall have the right to record a dissenting view.

**90-270.11. Licensure; examination; foreign graduates.**

(a) Licensed Psychologist. --

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

- (1) Is at least 18 years of age;
- (2) Is of good moral character;
- (3) Has received a doctoral degree based on a planned and directed program of studies in psychology from an institution of higher education. The degree program, wherever administratively housed, must be publicly identified and clearly labeled as a psychology program. The Board shall

adopt rules implementing and defining these provisions, including, but not limited to, such factors as residence in the educational program, internship and related field experiences, number of course credits, course content, numbers and qualifications of faculty, and program identification and identity.

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

(b) Licensed Psychological Associate. --

- (1) The Board shall issue a permanent license to practice psychology to any applicant who pays an application fee and any applicable examination fee as specified in G.S. 90-270.18(b), who passes an examination in psychology as prescribed by the Board, and who submits evidence verified by oath and satisfactory to the Board that he or she:
  - a. Is at least 18 years of age;
  - b. Is of good moral character;
  - c. Has received a master's degree in psychology or a specialist degree in psychology from an institution of higher education. The degree program, wherever administratively housed, must be publicly identified and clearly labeled as a psychology program. The Board shall adopt rules implementing and defining these provisions, including, but not limited to, such factors as residence in the program, internship and related field experiences, number of course credits, course content, numbers and qualifications of faculty, and program identification and identity.

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

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

(d) Prior Licensure. -- A person who is licensed in good standing as a licensed practicing psychologist or psychological associate under the provisions of the Practicing Psychologist Licensing Act in effect immediately prior to the ratification of this Psychology Practice Act shall be deemed, as of the effective date of this act, to have met all requirements for licensure under this act and shall be eligible for renewal of licensure in accordance with the provisions of this act.

**90-270.12. Waiver of requirements. Repealed.**

**90-270.13. Licensure of psychologists licensed or certified in other jurisdictions; licensure of diplomates of the American Board of Professional Psychology; Reciprocity.**

(a) Upon application and payment of the requisite fee, the Board shall grant permanent licensure at the appropriate level to any person who, at the time of application, is licensed or certified as a psychologist by a similar board in another jurisdiction, whose license or certification is in good standing, who is a graduate of an institution of higher education, who passes any examination prescribed by the Board, and who meets the definition of a senior psychologist as that term is defined by the rules of the Board.

(b) The Board may establish formal written agreements of reciprocity with the psychology boards of other jurisdictions if the Board determines that the standards of the boards of the other jurisdictions are substantially equivalent to or greater than those required by this Article.

(c) The Board shall grant health services provider certification to any person licensed under the provisions of subsections (a) and (b) above when it determines that the applicant's training and experience are substantially equivalent to or greater than that specified in G.S. 90-270.20.

(d) Upon application and payment of the requisite fee, the Board shall waive the requirement of the national written examination to any person who is a diplomate in good standing of the American Board of Professional Psychology.

(e) The Board shall adopt rules implementing and defining these provisions, and, with respect to the senior psychologist, shall adopt rules including, but not limited to, such factors as educational background, professional experience, length and status of licensure, ethical conduct, and examination required.

(f) The Board may deny licensure to any person otherwise eligible for permanent licensure under this subsection upon documentation of illegal, immoral, dishonorable, unprofessional, or unethical conduct as specified in G.S. 90-270.15.

**90-270.14. Renewal of licenses; duplicate or replacement licenses.**

(a) A license in effect on October 1, 1993, must be renewed on or before January 1, 1994. Thereafter, a license issued under this Article must be renewed biennially on or before the first day of October in each even numbered year, the requirements for such renewal being:

- (1) Each application for renewal must be made on a form prescribed by the Board and accompanied by a fee as specified in G.S. 90-270.18(b). If a license is not renewed on or before the renewal date, an additional fee shall be charged for late renewal as specified in G.S. 90-270.18(b).
- (2) The Board may establish continuing education requirements as a condition for license renewal.

(b) A licensee may request the Board to issue a duplicate or replacement license for a fee as specified in G.S. 90-270.18(b). Upon receipt of the request and a showing of good cause for the issuance of a duplicate or replacement license, and the payment of the fee, the Board shall issue a duplicate or replacement license.

**90-270.15. Denial, suspension, or revocation of licenses and health services provider certification, and other disciplinary and remedial actions for violations of the Code of Conduct; relinquishing of license.**

(a) Any applicant for licensure or health services provider certification and any person licensed or certified under this Article shall have behaved in conformity with the ethical and professional standards specified in this Code of Conduct and in the rules of the Board. The Board may deny, suspend, or revoke licensure and certification, and may discipline, place on probation, limit practice, and require examination, remediation, and rehabilitation, or any combination thereof, all as provided for in subsection (b) below. The Board shall act upon proof that the applicant or licensee engaged in illegal, immoral, dishonorable, unprofessional, or unethical conduct by violating any of the provisions of the Code of Conduct as follows:

- (1) Has been convicted of a felony or entered a plea of guilty or **nolo contendere** to any felony charge;
- (2) Has been convicted of or entered a plea of guilty or **nolo contendere** to any misdemeanor involving moral turpitude, misrepresentation or fraud in dealing with the public, or conduct otherwise relevant to fitness to practice, or a misdemeanor charge reflecting the inability to practice psychology with due regard to the health and safety of clients or patients;
- (3) Has engaged in fraud or deceit in securing or attempting to secure or renew a license or in securing or attempting to secure health services provider certification under this Article or has willfully concealed from the Board material information in connection with application for a license or health services provider certification, or for renewal of a license under this Article;
- (4) Has practiced any fraud, deceit, or misrepresentation upon the public, the Board, or any individual in connection with the practice of psychology, the offer of psychological services, the filing of Medicare, Medicaid, or other claims to any third party payor, or in any manner otherwise relevant to fitness for the practice of psychology;
- (5) Has made fraudulent, misleading, or intentionally or materially false statements pertaining to education, licensure, license renewal, certification as a health services provider, supervision, continuing education, any disciplinary actions or sanctions pending or occurring in any other jurisdiction, professional credentials, or qualifications or fitness for the practice of psychology to the public, any individual, the Board, or any other organization;

- (6) Has had a license or certification for the practice of psychology in any other jurisdiction suspended or revoked, or has been disciplined by the licensing or certification board in any other jurisdiction for conduct which would subject him or her to discipline under this Article;
- (7) Has violated any provision of this Article or of the duly adopted rules of the Board;
- (8) Has aided or abetted the unlawful practice of psychology by any person not licensed by the Board;
- (9) For a licensed psychologist, has provided health services without health services provider certification;
- (10) Has been guilty of immoral, dishonorable, unprofessional, or unethical conduct as defined in this subsection, or in the then-current code of ethics of the American Psychological Association, except as the provisions of such code of ethics may be inconsistent and in conflict with the provisions of this Article, in which case, the provisions of this Article control;
- (11) Has practiced psychology in such a manner as to endanger the welfare of clients or patients;
- (12) Has demonstrated an inability to practice psychology with reasonable skill and safety by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance affecting mental or physical functioning, or as a result of any mental or physical condition;
- (13) Has practiced psychology or conducted research outside the boundaries of demonstrated competence or the limitations of education, training, or supervised experience;
- (14) Has failed to use, administer, score, or interpret psychological assessment techniques, including interviewing and observation, in a competent manner, or has provided findings or recommendations which do not accurately reflect the assessment data, or exceed what can reasonably be inferred, predicted, or determined from test, interview, or observational data;
- (15) Has failed to provide competent diagnosis, counseling, treatment, consultation, or supervision, in keeping with standards of usual and customary practice in this State;
- (16) In the absence of established standards, has failed to take all reasonable steps to ensure the competence of services;
- (17) Has failed to maintain a clear and accurate case record which documents the following for each patient or client:
  - a. Presenting problems, diagnosis, or purpose of the evaluation, counseling, treatment, or other services provided;
  - b. Fees, dates of services, and itemized charges;
  - c. Summary content of each session of evaluation, counseling, treatment, or other services, except that summary content need not include specific information that may cause significant harm to any person if the information were released;
  - d. Test results or other findings, including basic test data; and
  - e. Copies of all reports prepared;
- (18) Except when prevented from doing so by circumstances beyond the psychologist's control, has failed to retain securely and confidentially the complete case record for at least seven years from the date of the last provision of psychological services; or, except when prevented from doing so by circumstances beyond the psychologist's control, has failed to retain securely and confidentially the complete case record for three years from the date of the attainment of majority age by the patient or client or for at least seven years from the date of the last provision of psychological services, whichever is longer; or, except when prevented from doing so by circumstances beyond the psychologist's control, has failed to retain securely and confidentially the complete case record indefinitely if there are pending legal or ethical matters or if there is any other compelling circumstance;
- (19) Has failed to cooperate with other psychologists or other professionals to the potential or actual detriment of clients, patients, or other recipients of service, or has behaved in ways which substantially impede or impair other psychologists' or other professionals' abilities to perform professional duties;
- (20) Has exercised undue influence in such a manner as to exploit the client, patient, student, supervisee, or trainee for the

financial or other personal advantage or gratification of the psychologist or a third party;

- (21) Has harassed or abused, sexually or otherwise, a client, patient, student, supervisee, or trainee;
- (22) Has failed to cooperate with or to respond promptly, completely, and honestly to the Board, to credentials committees, or to ethics committees of professional psychological associations, hospitals, or other health care organizations or educational institutions, when those organizations or entities have jurisdiction; or has failed to cooperate with institutional review boards or professional standards review organizations, when those organizations or entities have jurisdiction; or
- (23) Has refused to appear before the Board after having been ordered to do so in writing by the Chair.

(b) Upon proof that an applicant or licensee under this Article has engaged in any of the prohibited actions specified in subsection (a) of this section, the Board may, in lieu of denial, suspension, or revocation, issue a formal reprimand or formally censure the applicant or licensee, may place the applicant or licensee upon probation with such appropriate conditions upon the continued practice as the Board may deem advisable, may require examination, remediation, or rehabilitation for the applicant or licensee, including care, counseling, or treatment by a professional or professionals designated or approved by the Board, the expense to be borne by the applicant or licensee, may require supervision for the services provided by the applicant or licensee by a licensee designated or approved by the Board, the expense to be borne by the applicant or licensee, may limit or circumscribe the practice of psychology provided by the applicant or licensee with respect to the extent, nature, or location of the services provided, as the Board deems advisable, or may discipline and impose any appropriate combination of the foregoing. In addition, the Board may impose such conditions of probation or restrictions upon continued practice at the conclusion of a period of suspension or as requirements for the restoration of a revoked or suspended license. In lieu of or in connection with any disciplinary proceedings or investigation, the Board may enter into a consent order relative to the discipline, supervision, probation, remediation, rehabilitation, or practice limitation of a licensee or applicant for a license.

(c) The Board may assess costs of disciplinary action against an applicant or licensee found to be in violation of this Article.

(d) When considering the issue of whether or not an applicant or licensee is physically or mentally capable of practicing psychology with reasonable skill and safety with patients or clients, then, upon a showing of probable cause to the Board that the applicant or licensee is not capable of practicing psychology with reasonable skill and safety with patients or clients, the Board may petition a court of competent jurisdiction to order the applicant or licensee in question to submit to a psychological evaluation by a psychologist to determine psychological status or a physical evaluation by a physician to determine physical condition, or both. Such psychologist or physician shall be designated by the court. The expenses of such evaluations shall be borne by the Board. Where the applicant or licensee raises the issue of mental or physical competence or appeals a decision regarding mental or physical competence, the applicant or licensee shall be permitted to obtain an evaluation at the applicant's or licensee's expense. If the Board suspects the objectivity or adequacy of the evaluation, the Board may compel an evaluation by its designated practitioners at its own expense.

(e) Except as provided otherwise in this Article, the procedure for revocation, suspension, denial, limitations of the license or health services provider certification, or other disciplinary, remedial, or rehabilitative actions, shall be in accordance with the provisions of Chapter 150B of the General Statutes. The Board is required to provide the opportunity for a hearing under Chapter 150B to any applicant whose license or health services provider certification is denied or to whom licensure or health services provider certification is offered subject to any restrictions, probation, disciplinary action, remediation, or other conditions or limitations, or to any licensee before revoking, suspending, or restricting a license or health services provider certificate or imposing any other disciplinary action or remediation. If the applicant or licensee waives the opportunity for a hearing, the Board's denial, revocation, suspension, or other proposed action becomes final without a hearing's having been conducted. Notwithstanding the foregoing, no applicant or licensee is entitled to a

hearing for failure to pass an examination. In any proceeding before the Board, in any record of any hearing before the Board, in any complaint or notice of charges against any licensee or applicant for licensure, and in any decision rendered by the Board, the Board may withhold from public disclosure the identity of any clients or patients who have not consented to the public disclosure of psychological services' having been provided by the licensee or applicant. The Board may close a hearing to the public and receive in executive session evidence involving or concerning the treatment of or delivery of psychological services to a client or a patient who has not consented to the public disclosure of such treatment or services as may be necessary for the protection and rights of such patient or client of the accused applicant or licensee and the full presentation of relevant evidence. All records, papers, and other documents containing information collected and compiled by or on behalf of the Board, as a result of investigations, inquiries, or interviews conducted in connection with licensing or disciplinary matters will not be considered public records within the meaning of Chapter 132 of the General Statutes; provided, however, that any notice or statement of charges against any licensee or applicant, or any notice to any licensee or applicant of a hearing in any proceeding, or any decision rendered in connection with a hearing in any proceeding, shall be a public record within the meaning of Chapter 132 of the General Statutes, notwithstanding that it may contain information collected and compiled as a result of such investigation, inquiry, or hearing except that identifying information concerning the treatment of or delivery of services to a patient or client who has not consented to the public disclosure of such treatment or services may be deleted; and provided, further, that if any such record, paper, or other document containing information theretofore collected and compiled by or on behalf of the Board, as hereinbefore provided, is received and admitted in evidence in any hearing before the Board, it shall thereupon be a public record within the meaning of Chapter 132 of the General Statutes, subject to any deletions of identifying information concerning the treatment of or delivery of psychological services to a patient or client who has not consented to the public disclosure of such treatment or services.

(f) A license and a health services provider certificate issued under this Article are suspended automatically by operation of law after failure to renew a license for a period of more than sixty days after the renewal date. The Board may reinstate a license and a health services provider certificate suspended under this subsection upon payment of a fee as specified in G.S. 90-270.18(b), and may require that the applicant file a new application, furnish new supervisory reports or references or otherwise update his or her credentials, or submit to examination for reinstatement. Notwithstanding any provision to the contrary, the Board retains full jurisdiction to investigate alleged violations of this Article by any person whose license is suspended under this subsection and, upon proof of any violation of this Article by any such person, the Board may take disciplinary action as authorized by this section.

(g) A person whose license or health services provider certification has been denied or revoked may reapply to the Board for licensure or certification after the passage of one calendar year from the date of such denial or revocation.

(h) A licensee may, with the consent of the Board, voluntarily relinquish his or her license or health services provider certificate at any time. The Board may delay or refuse the granting of its consent as it may deem necessary in order to investigate any pending complaint, allegation, or issue regarding violation of any provision of this Article by the licensee. Notwithstanding any provision to the contrary, the Board retains full jurisdiction to investigate alleged violations of this Article by any person whose license is relinquished under this subsection and, upon proof of any violation of this Article by any such person, the Board may take disciplinary action as authorized by this section.

(i) The Board may adopt such rules as it deems reasonable and appropriate to interpret and implement the provisions of this section.

#### **90-270.16. Prohibited acts.**

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

(b) Except as provided in G.S. 90-270.4 and G.S. 90-270.5, it shall be a violation of this Article for any person not licensed in accordance with the provisions of this Article to practice or offer to practice psychology as defined in this Article whether as an individual, firm, partnership, corporation, agency, or other entity.

(c) Except as provided in G.S. 90-270.4 and G.S. 90-270.5, it shall be a violation of this Article for any person not licensed in accordance with the provisions of this Article to use a title or description of services including the term "psychology," or any of its derivatives such as "psychologic", "psychological", or "psychologist", singly or in conjunction with modifiers such as "licensed", "practicing", "certified", or "registered".

**90-270.17. Violations and penalties.**

Any person who violates G.S. 90-270.16 is guilty of a Class 2 misdemeanor. Each violation shall constitute a separate offense.

**90-270.18. Disposition and schedule of fees.**

(a) Except for fees paid directly to the vendor as provided in subdivision (b)(2) of this section, all fees derived from the operation of this Article shall be deposited with the State Treasurer to the credit of a revolving fund for the use of the Board in carrying out its functions. All fees derived from the operation of this Article shall be non-refundable.

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

- (1) Application fees for licensed psychologists and licensed psychological associates per G.S. 90-270.11(a) and (b)(1), or G.S. 90-270.13, shall not exceed one hundred dollars (\$100.00).
- (2) Fees for the national written examination shall be the cost of the examination as set by the vendor plus an additional fee not to exceed fifty dollars (\$50.00). The Board may require applicants to pay the fee directly to the vendor.
- (3) Fees for additional examinations shall be as prescribed by the Board.
- (4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not exceed two hundred fifty dollars (\$250.00) per biennium. This fee may not be prorated.
- (5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be twenty-five dollars (\$25.00).
- (6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall not exceed one hundred dollars (\$100.00).
- (7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be twenty-five dollars (\$25.00).
- (8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g), shall be thirty-five dollars (\$35.00).
- (9) Application fees for a health services provider certificate, per G.S. 90-270.20, shall be fifty dollars (\$50.00).

(c) The Board may specify reasonable charges for duplication services, materials, and returned bank items in its rules.

**90-270.19. Injunctive authority.**

The Board may apply to the superior court for an injunction to prevent violations of this Article or of any rules enacted pursuant thereto. The court is empowered to grant such injunctions regardless of whether criminal prosecution or other action has been or may be instituted as a result of such violation.

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

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

(b) After January 1, 1995, any licensed psychologist who is qualified by education, who holds permanent licensure and a doctoral degree, and who provides or offers to provide health services to the public must be certified as a health services provider psychologist (HSP-P) by the Board. The Board shall certify as health services provider psychologists those applicants who shall demonstrate at least two years of acceptable supervised health services experience, of which at least one year is post-doctoral. The Board shall specify the format, setting, content, and organization of the supervised health services experience or program. The Board may, upon verification of supervised experience and the meeting of all requirements as a

licensed psychologist, issue the license and certificate simultaneously. An application fee, as specified in G.S. 90-270.18(b)(9), must be paid.

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

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

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

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

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

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

**90-270.21. Ancillary services.**

A psychologist licensed under this Article may employ or supervise unlicensed individuals who assist in the provision of psychological services to clients, patients, and their families. The Board may adopt rules specifying the titles used by such individuals, the numbers employed or supervised by any particular psychologist, the activities in which they may engage, the nature and extent of supervision which must be provided, the qualifications of such individuals, and the nature of the responsibility assumed by the employing or supervising psychologist.

**[END OF NORTH CAROLINA PSYCHOLOGY PRACTICE ACT]**

Sections from Chapter 8 of the N.C. General Statutes:

**PRIVILEGED COMMUNICATION**

Sec. 8-53.3. Communications between psychologist and client or patient.

No person, duly authorized as a licensed psychologist or licensed psychological associate, nor any of his or her employees or associates, shall be required to disclose any information which he or she may have acquired in the practice of psychology and which information was necessary to enable him or her to practice psychology. Any resident or presiding judge in the district in which the action is pending may, subject to G.S. 8-53.6, compel disclosure, either at the trial or prior thereto, if in his or her opinion disclosure is necessary to a proper administration of justice. If the case is in district court the judge shall be a district court judge, and if the case is in superior court the judge shall be a superior court judge.

Notwithstanding the provisions of this section, the psychologist-client or patient privilege shall not be grounds for failure to report suspected

child abuse or neglect to the appropriate county department of social services, or for failure to report a disabled adult suspected to be in need of protective services to the appropriate county department of social services. Notwithstanding the provisions of this section, the psychologist-client or patient privilege shall not be grounds for excluding evidence regarding the abuse or neglect of a child, or an illness of or injuries to a child, or the cause thereof, or for excluding evidence regarding the abuse, neglect, or exploitation of a disabled adult, or an illness of or injuries to a disabled adult, or the cause thereof, in any judicial proceeding related to a report pursuant to the child Abuse Reporting Law, Article 3 of Chapter 7B, or to the Protection of the Abused, Neglected, or Exploited Disabled Adult Act, Article 6 of Chapter 108A of the General Statutes.

**Sec. 8-53.6. No disclosure in alimony and divorce actions.**

In an action pursuant to G.S. 50-5.1, 50-6, 50-7, 50-16.2A and 50-16.3A if either or both of the parties have sought and obtained marital counseling by a licensed physician, licensed psychologist, licensed psychological associate, licensed clinical social worker, or licensed marriage and family therapist, the person or persons rendering such counseling shall not be competent to testify in the action concerning information acquired while rendering such counseling.

**SELECTED BOARD RULES (21 NCAC 54)  
TITLE 21, CHAPTER 54  
NORTH CAROLINA ADMINISTRATIVE CODE**

Board rules further define and implement provisions of the North Carolina Psychology Practice Act.

**21 NCAC 54 .1605 FEES**

In addition to fees specified in G.S. 90, Article 18A, the following charges shall be assessed for the indicated services:

- (1) eight dollars (\$8.00) - copy of annual register of licensed psychologists;
- (2) five dollars (\$5.00) - copy of 21 NCAC 54;
- (3) two hundred dollars (\$200.00) - renewal of license;
- (4) the cost of the examination to the Board plus twenty-five dollars (\$25.00) - national written examination;
- (5) one hundred dollars (\$100.00) - state examination;
- (6) twenty five cents (\$0.25) per page - copy of minutes of board meetings, transcript of hearing, or file documents;
- (7) one hundred dollars (\$100.00) - application fee;
- (8) one hundred dollars (\$100.00) - reinstatement fee;
- (9) twenty dollars (\$20.00) - returned check;
- (10) ten dollars (\$10.00) - each written license verification, whether submitted individually or on a list;
- (11) costs of disciplinary action as follows:
  - (a) three hundred dollars (\$300.00) - consent order;
  - (b) three hundred dollars (\$300.00) - failure to appear on noticed hearing date or failure to give at least 72 hours notice of a request to continue the hearing; and
  - (c) three hundred dollars (\$300.00) per hour for a hearing which results in disciplinary action, with a minimum charge of three hundred dollars (\$300.00) for the first hour or portion thereof, and then prorated thereafter for each half-hour;
- (12) fifty dollars (\$50.00) - registration fee for certificate of registration for professional corporation or limited liability company; and
- (13) twenty-five dollars (\$25.00) - renewal fee for certification of registration for professional corporation or limited liability company.

**21 NCAC 54 .1707 SENIOR PSYCHOLOGIST**

(a) A senior psychologist shall be someone who has achieved longevity in the practice of psychology and has demonstrated exemplary professional behavior over the course of his/her career, as defined in this Rule.

(b) To be approved for licensure at the Licensed Psychologist level on the basis of senior psychologist status, an applicant shall meet all of the following requirements:

- (1) has been licensed for fifteen (15) continuous years at the doctoral level in one or more jurisdictions which are

members of the Association of State and Provincial Psychology Boards, during which time, and in which jurisdiction(s), he/she has practiced psychology for a minimum of ten (10) years on at least a half-time (i.e., 20 hours per week) basis;

- (2) has had no disciplinary sanction during his/her entire period of licensure in any jurisdiction;
- (3) has no unresolved complaint in any jurisdiction at the time of application in North Carolina; and
- (4) passes the North Carolina State Written Examination;

(c) To be approved for licensure at the Licensed Psychological Associate level on the basis of senior psychologist status, an applicant shall meet all of the following requirements:

- (1) has been licensed for fifteen (15) continuous years at the masters level in one or more jurisdictions which are members of the Association of State and Provincial Psychology Board, during which time, and in which jurisdiction(s), he/she has practiced psychology for a minimum of ten (10) years on at least a half-time (i.e., 20 hours per week) basis;
- (2) has had no disciplinary sanction during his/her entire period of licensure in any jurisdiction;
- (3) has no unresolved complaint in any jurisdiction at the time of application in North Carolina; and
- (4) passes the North Carolina State Written Examination.

(d) The information required for each applicant shall consist of:

- (1) typed, or legibly printed, notarized application form, including an affidavit which attests to meeting the requirements specified in Paragraph (b) or (c) of this Rule;
- (2) official, graduate college transcripts sent directly to the Board by the training institution(s);
- (3) three completed reference forms from professionals who are familiar with the applicant's current work, one of which is from a doctoral level psychologist; and
- (4) verification and report on the status of licensure, including dates of licensure and any disciplinary action which is pending or has been taken, sent directly from any other state or province in which the applicant has applied for a license or has been licensed.

(e) An application shall contain all requested materials to be complete. An incomplete application shall be active for three months from the date of application. At the end of such time, if still incomplete, the application shall be void, the applicant shall be deemed to have discontinued the application process, and the applicant shall totally reapply.

**21 NCAC 54 .2104 CONTINUING EDUCATION**

(a) The purpose of continuing education is to provide for the continuing professional education of all psychologists licensed by the North Carolina Psychology Board consistent with the purpose of the Board which is to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

(b) Compliance with this Rule shall be a condition for license renewal. A license shall be suspended automatically by operation of law in accordance with G.S. 90-270.15(f) if a licensee fails to meet continuing education requirements specified in this Rule. This Rule shall apply to all individuals licensed by the North Carolina Psychology Board who choose to renew their licenses in North Carolina. Licensees who would otherwise be exempt from licensure, e.g., not practicing psychology in North Carolina, may relinquish their licenses if they do not wish to comply with the requirements specified in this Rule.

(c) A continuing education hour is defined as one hour of instructional or contact time.

(d) Category A requirements shall be met through attendance at formally organized courses, seminars, workshops, symposiums, and postdoctoral institutes; or through completion of on-line or correspondence courses. Programs shall relate to topics listed in Paragraph (g) of this Rule; be identified as offering continuing education for psychologists; and be sponsored or co-sponsored by the North Carolina Psychology Board, by the American Psychological Association, by American Psychological Association approved sponsors, or by North Carolina Area Health Education Centers. Contact hours shall be specified by the sponsor.

(e) Category B requirements shall be met through attendance at colloquia, presentations of invited speakers, grand rounds, and in-house seminars; attendance at programs offered at meetings of professional or scientific organizations which are not approved for Category A credit;

participation in formally organized study groups or journal clubs; and self study (e.g., reading articles or books for professional growth or in preparation for publishing, teaching, or making a presentation). One continuing education hour shall be credited for each hour of participation in Category B activities.

(f) A licensee shall complete a minimum of 18 continuing education hours in each biennial renewal period which begins on the first day of October in each even numbered year. Continuing education hours shall not carry over from one renewal period to the next. At least nine continuing education hours shall be in Category A activities which shall include a minimum of three continuing education hours in the area of ethical and legal issues in the professional practice of psychology.

(g) Topics for Category A and Category B requirements shall fall within the following areas:

- (1) ethical and legal issues in the professional practice of psychology, and
- (2) the maintenance and upgrading of professional skills and competencies within the psychologist's scope of practice. This includes, but is not limited to, training in empirically supported treatments, the application of research to practice, and training in best practice standards and guidelines.

(h) Continuing education hours shall not be allowed for the following activities:

- (1) business meetings or presentations, professional committee meetings, and meetings or presentations concerned with the management of a professional practice;
- (2) membership, office in, or participation on boards and committees of professional organizations;
- (3) research;
- (4) teaching, presentations, and publication, except as allowed as self study in preparation for these activities as provided under Paragraph (e) of this Rule; and
- (5) personal psychotherapy or personal growth experience.

(i) An individual licensed on or before October 1, 2002, shall attest on the license renewal application for the 2004-2006 biennial renewal period, and on each subsequent biennial renewal application, to having met the mandatory continuing education requirements specified in this Rule during the two years preceding the October 1st renewal date. An individual licensed after October 1, 2002, shall attest on the second license renewal application following licensure, and on each subsequent biennial renewal application, to having met the mandatory continuing education requirements specified in this Rule during the two years preceding the October 1st renewal date.

(j) An applicant for reinstatement of licensure shall document that he or she has completed a minimum of 18 continuing education hours as specified in this Rule within the two years preceding the date of application for reinstatement of licensure and shall attest on each subsequent biennial renewal application to having met the mandatory continuing education requirements specified in this Rule.

(k) For Category A, a licensee shall maintain certificates from Category A programs and written documentation of the following for a minimum of seven years:

- (1) date of program;
- (2) number of contact hours;
- (3) name of sponsor of program;
- (4) title of program; and
- (5) location of program.

(l) For Category B, a licensee shall maintain applicable written documentation of the following for Category B activities consistent with this Rule for a minimum of seven years:

- (1) date of program or activity;
- (2) number of instructional or contact hours as defined in Paragraphs (d) and (e) of this Rule;
- (3) description of activity;
- (4) name of presenter, facilitator, or leader;
- (5) name of sponsor;
- (6) location;
- (7) full citation of article; and
- (8) summary of content.

The nature of the Category B activity determines the applicable documentation. For example, name of presenter, facilitator, or leader; name of sponsor; and location are not required when a licensee documents reading a journal article.

(m) A licensee shall provide certificates, documentation, and a signed attestation form designed by the Board within 30 days after receiving written notification from the Board that proof of completion of continuing education hours is required. The Board may randomly verify the documentation of required continuing education hours for a percentage of licensees and may do so during the investigation of any complaints. A licensee shall not submit documentation of continuing education hours obtained unless directed to do so by the Board. The Board shall not serve as a depository for continuing education materials prior to its directing that documentation must be submitted.

## SECTION .1800 EDUCATION

### 21 NCAC 54 .1802 PSYCHOLOGICAL ASSOCIATE

(a) Licensure for the level of psychological associate requires a master's degree or specialist degree in psychology from an institution of higher education. For an individual applying before January 1, 1999, his or her degree program shall be publicly identified and clearly labeled as a psychology program. For an individual applying on or after January 1, 1999, his or her degree program shall meet all of the following requirements:

- (1) The program shall be publicly identified and clearly labeled as a psychology program; such a program shall specify in pertinent institutional catalogues its intent to educate and train psychologists to engage in the activities which constitute the practice of psychology as defined in G.S. 90-270.2(8).
- (2) The program shall maintain clear authority and primary responsibility for the core and specialty areas whether or not the program crosses administrative lines.
- (3) The program shall have an identifiable body of students in residence at the institution who are matriculated in that program for a degree.
- (4) There shall be an identifiable full-time psychology faculty in residence at the institution, sufficient in size and breadth to carry out its responsibilities, employed by and providing instruction at the home campus of the institution.
- (5) There shall be a psychologist responsible for the applicant's program either as the administrative head of the program, or as the advisor, major professor, or committee chair for the individual applicant's program.
- (6) The program shall be an integrated, organized sequence of study in psychology as demonstrated by an identifiable curriculum track or tracks wherein course sequences are outlined.
- (7) The program shall encompass the equivalent of a minimum of one academic year of full-time graduate study in student residence at the institution from which the degree is granted. Residence requires interaction with psychology faculty and other matriculated psychology students. One year's residency is defined as 30 semester (45 quarter) hours taken on a full-time or part-time basis at the institution.
- (8) The program shall include internship, externship, practicum, or other field experience appropriate to the area of specialty and the practice of psychology. This experience shall meet all of the following criteria:
  - (A) It shall have been a planned and directed program of training in the practice of psychology, in contrast to on-the-job training, and shall have provided the trainee with a planned and directed sequence of training integrated with the educational program in which the individual was enrolled. This training shall have been planned by the program's faculty, rather than by the student.
  - (B) The training site shall have had a clearly designated and appropriately licensed or certified psychologist who was responsible for the integrity and quality of the training program.
  - (C) The training shall have been a minimum of 12 weeks consisting of at least 500 hours of supervised training. At least 50% of the training shall have been spent in the practice of psychology.
  - (D) The training program shall have had a written program description detailing its functioning and shall have been approved by the applicant's educational program prior to its occurrence.

- (E) The training site staff shall have provided a minimum of one hour per week of individual face-to-face, regularly scheduled supervision with the specific intent of overseeing the practice of psychology.
  - (F) Supervision may have been provided in part by psychiatrists, social workers, or other related professionals qualified by the training site, but at least 50% of supervision shall have been provided by an appropriately licensed or certified psychologist or psychological associate, or other psychologist who is exempt from licensure under the North Carolina Psychology Practice Act.
  - (G) Persons enrolled in the training shall have been designated as "interns", "externs", or "practicum students", or hold other designation which clearly indicated training status.
- (9) The program of study shall include a minimum of 45 semester (68 quarter) hours of graduate study in standard psychology courses, including courses drawn from academic psychology (e.g., social, experimental, physiological, developmental, history and systems), statistics and research design, and a specialty area. Of the required 45 semester (68 quarter) program hours, not more than 6 semester (9 quarter) hours shall be credited for internship/practicum and not more than 6 semester (9 quarter) hours shall be credited for thesis/dissertation. No credit shall be allowed for audited courses or courses taken at an institution which does not meet the definition of an "institution of higher education" as defined by G.S. 90-270.2(5).

(b) An applicant whose credentials have been approved by the Board for examination at the licensed psychologist level may be issued a license as a psychological associate if the applicant fails an examination at the licensed psychologist level but passes such at the psychological associate level. To receive this license, the applicant shall make a written request to the Board for licensure at the psychological associate level within 30 days from the date on which the applicant is notified of his or her examination score.

#### 21 NCAC 54 .1803 LICENSED PSYCHOLOGIST

Licensure for the level of psychologist requires a doctoral degree based on a planned and directed program of studies in psychology from an institution of higher education. The applicant's doctoral program shall be one which was accredited by the American Psychological Association at the time of the applicant's graduation from the program or one which meets all of the following requirements:

- (1) The program shall be publicly identified and clearly labeled as a psychology program; such a program shall specify in pertinent institutional catalogues its intent to educate and train psychologists to engage in the activities which constitute the practice of psychology as defined in G.S. 90-270.2(8).
- (2) The program shall maintain clear authority and primary responsibility for the core and specialty areas whether or not the program crosses administrative lines.
- (3) The program shall have an identifiable body of students in residence at the institution who are matriculated in that program for a degree.
- (4) There shall be an identifiable full-time psychology faculty in residence at the institution, sufficient in size and breadth to carry out its responsibilities, employed by and providing instruction at the home campus of the institution.
- (5) There shall be a psychologist responsible for the applicant's program either as the administrative head of the program, or as the advisor, major professor, or committee chair for the individual applicant's program.
- (6) The program shall be an integrated, organized sequence of study in psychology as demonstrated by an identifiable curriculum track or tracks wherein course sequences are outlined.
- (7) The program shall encompass the equivalent of a minimum of three academic years of full-time graduate study, two years of which are at the institution from which the degree is granted, and one year of which is in residence at the institution from which the degree is granted. Residence requires interaction with psychology faculty and other

matriculated psychology students. One year's residence is defined as 30 semester (45 quarter) hours taken on a full-time or part-time basis at the institution.

- (8) The program shall include practicum, internship, field experiences, or laboratory training appropriate to the area of specialty and the practice of psychology; this experience shall be supervised by a psychologist.
- (9) The program of study shall include a minimum of 60 semester (90 quarter) hours of graduate study in standard psychology courses, exclusive of credits for internship/practicum and thesis/dissertation, including instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, and the specialty area. No credit shall be allowed for audited courses or courses taken at an institution which does not meet the definition of an "institution of higher education" as defined by G.S. 90-270.2(5).
- (10) The program shall include demonstrated competency in the four substantive content areas identified in this Subparagraph; this shall be met through a minimum of three semester (five quarter) hours in each of these content areas:
  - (a) biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology);
  - (b) cognitive-affective bases of behavior (e.g., cognition, memory, learning, thinking, motivation, emotion);
  - (c) social bases of behavior (e.g., social psychology, group processes, organizational and systems theory, cultural and ethnic bases, sex roles);
  - (d) individual differences (e.g., personality theory, human development, abnormal psychology, individual differences).

#### SECTION .1900 EXAMINATION

##### 21 NCAC 54 .1901 TYPES

(a) Qualifying Examinations. National and state examinations shall be administered. The examinations shall be taken only for licensure purposes. The applicant shall comply with deadlines and procedures established by the examination contractor and testing vendor when approved to take a computer administered examination.

- (1) National Examination. The national examination is the Examination for Professional Practice in Psychology (EPPP) which is developed by the Association of State and Provincial Psychology Boards (ASPPB). The EPPP assesses the applicant's knowledge of the subject matter of psychology and his or her understanding of professional and ethical problems in the practice of psychology. For paper and pencil administrations of the EPPP in April, 2001, and in October, 2001, the passing point for licensed psychologist shall be set at 70% of the total scored items on the examination, and the passing point for licensed psychological associate shall be set at 64% of the total scored items on the examination. For computer delivered administrations of the EPPP beginning in April, 2001, and for all other computer delivered administrations of the EPPP thereafter, the passing point for licensed psychologist shall be a scaled score of 500, and the passing point for licensed psychological associate shall be a scaled score of 440. This examination shall not be required for an applicant who has previously taken the EPPP and whose score met the North Carolina passing point which was established for that particular administration date of the examination unless the Board determines pursuant to G.S. 90-270.15 that an individual shall be required to take and pass a current form of the EPPP.
- (2) State Examination. The Board-developed state examination assesses the applicant's knowledge of the North Carolina Psychology Practice Act, selected rules of the Board covering such topics as education and supervision, and other legal requirements. The passing point for all licensees shall be set at 78% of the total scored items on the examination.

(b) Oral Examination. Upon proof that an applicant or licensee has engaged in any of the prohibited actions specified in G.S. 90-270.15(a), the Board may administer a state oral examination which assesses knowledge of the North Carolina Psychology Practice Act, selected rules of the Board covering such topics as education and supervision, and other legal requirements.

(c) Special Administrations. Candidates with documented impairments or disabilities shall be tested under conditions that shall minimize the effect of the impairments or disabilities on their performance. In general, those lifestyle accommodations which an individual uses to compensate for impairments or disabilities, and which have become accepted practice for the individual in his or her graduate program or since the onset of the applicant's impairment of disability, shall be considered as the most appropriate accommodation for testing. Special test administrations shall be as comparable as possible to a standard administration.

#### **21 NCAC 54 .1902 REPORTING OF SCORES**

Each applicant for licensure is informed in writing of his/her score on the national and state examinations. Those who have not passed are informed that licensure is denied and of the policies regarding re-examination.

#### **21 NCAC 54 .1903 RETAKING**

An applicant may take the examination no more than 4 times in a 12-month period and no more frequently than every 60 days upon payment of the required fee. The 12-month period begins on the date of the letter which notifies the applicant that his or her credentials have been approved for examination by the Board. After failing the examination for the fourth time or after the passage of 12 months, whichever occurs first, an applicant must totally reapply for licensure. Except as exempt under G.S. 90-270.4, after failing the examination for the second time, an applicant shall not practice or offer to practice psychology without first becoming licensed.

#### **21 NCAC 54 .1904 FAILURE TO APPEAR**

If an applicant does not appear for an examination within four months after being approved for examination by the Board, he or she shall be deemed to have failed the examination. The four-month period begins on the date of the letter which notifies the applicant that his or her credentials have been approved for examination by the Board. The applicant shall be permitted to take the examination within the next consecutive four months without reapplying for licensure. If the applicant does not appear for an examination within the second four-month period, he or she shall be deemed to have failed the examination a second time and must reapply for licensure. Except as exempt under G.S. 90-270.4, after failing the examination for the second time, an applicant shall not practice or offer to practice psychology without first becoming licensed by the Board.

### **SECTION .2000 SUPERVISION**

#### **21 NCAC 54 .2001 SUPERVISOR**

(a) Except as provided in Paragraph (b) of this Rule, the following individuals shall be recognized as appropriate contract supervisors for individuals requiring supervision to practice psychology:

- (1) a licensed psychologist, permanent;
- (2) any person who was in a psychology position with the State of North Carolina on December 31, 1979, and who is still so employed, provided that such supervision is, and was on December 31, 1979, within the psychologist's regular job description and is only for activities which are part of the regular duties and responsibilities of the supervisee within his or her regular position at a State agency or department;
- (3) a doctoral level licensed psychologist who is licensed in the jurisdiction where the supervisee is practicing psychology; or
- (4) a licensed psychological associate as provided for in Rule .2005 in this Section.

(b) The Board may disapprove an otherwise qualified supervisor for the following reasons:

- (1) evidence that the supervisor is not competent or qualified to supervise the supervisee;
- (2) evidence that the supervisor has failed to adhere to legal or ethical standards;
- (3) evidence that there is a lack of congruence between the supervisor's training, experience, and area of practice and the supervisee's proposed area(s) of practice; or
- (4) evidence that the supervisor has a license against which disciplinary or remedial action has been taken.

(c) Each supervisor shall:

- (1) carefully assess his or her own ability to meet the supervisory needs of potential supervisees;
- (2) offer and provide supervision only within the supervisor's own area(s) of competence and assure that the professional expertise and experience of the supervisor shall be congruent with the practice of the supervisee;
- (3) enter into a written agreement with the supervisee on a Board adopted supervision contract form which details the supervisee's obligations as well as the supervisor's responsibilities to the supervisee;
- (4) direct the supervisee to practice psychology only within areas for which he or she shall be qualified by education, training, or supervised experience;
- (5) establish and maintain a level of supervisory contact consistent with established professional standards and be accessible to the supervisee;
- (6) direct the supervisee to keep the supervisor informed of services performed by the supervisee;
- (7) advise the Board if the supervisor has reason to believe that the supervisee is practicing in a manner which indicates that ethical or legal violations have been committed;
- (8) maintain a clear and accurate record of supervision with a supervisee which documents the following:
  - (A) dates and appointment times of each supervision session, including the length of time of each session;
  - (B) summary content of each session including treatment issues addressed, concerns identified by the supervisor and supervisee, recommendations of the supervisor, and intended outcome for recommendations of the supervisor; and
  - (C) fees charged, if any, to the supervisee for supervision. Except when prevented from doing so by circumstances beyond the supervisor's control, the supervisor shall retain securely and confidentially the records reflecting supervision with a supervisee for at least seven years from the date of the last session of supervision with a supervisee. If there are pending legal or ethical matters or if there is otherwise any other compelling circumstance, the supervisor shall retain the complete record of supervision securely and confidentially for an indefinite period of time.
- (9) report on the required form to the Board that agreed upon supervision has occurred; and
- (10) file a final supervision report within two weeks of termination of supervision.

(d) To maintain the professional nature of the supervision, a familial or strongly personal relationship shall not exist between the supervisor and supervisee, except in extraordinary circumstances, such as the lack of availability of any other qualified supervisor. In such cases, the Board shall require documentation that no other supervision is available and reference letters from colleagues commenting on the appropriateness of the proposed supervisory relationship.

#### **21 NCAC 54 .2002 NATURE OF SUPERVISION**

(a) The nature of mandated supervision shall depend on the specific areas of practice, experience, and training germane to the area of specialty of the supervisee. This supervision shall be the process to assure that an appropriate professional standard is being applied to the solution of a client's problem, and that the laws that govern the practice of psychology and the ethics that guide that practice are understood and followed. The purpose of such Board mandated supervision shall not be for introductory training of the supervisee in additional skills, methods, or interventions, but may include enhancement and refinement of previously learned skills. Supervision shall include consideration of the following areas:

- (1) ethical, legal, and professional standards;
- (2) technical skills and competency;
- (3) supervisee's utilization of supervision; and
- (4) supervisee's ability to function independently or with reduced supervision.

(b) Each supervisee shall:

- (1) attend scheduled supervision sessions;
- (2) provide the supervisor with a disclosure of psychological services being offered or rendered by the supervisee;

- (3) cooperate with the supervisor to assure that all conditions in Paragraph (c) of Rule .2001 of this Section are met;
- (4) provide the supervisor with information necessary for the supervisor to advise the supervisee on cases giving rise to professional, ethical, and legal concerns;
- (5) notify the Board if he or she has reason to believe that the supervisor has behaved in a manner which shall indicate that the supervisor has committed an ethical or legal violation; and
- (6) file a revised supervision contract form within 30 days of a change in the conditions specified in the supervision contract form on file with the Board.

(c) The supervisee and supervisor shall determine jointly the nature and extent of notification to clients or patients of the supervisory process (e.g., clinical information may be discussed with the supervisor or the means by which the supervisor may be contacted) and which cases, issues, and techniques are appropriate and necessary for supervision. Specific supervision shall not be mandated by the Board for each person evaluated or treated, or for every treatment, evaluative technique, or professional activity undertaken. Contract supervisors shall not be required to sign or co-sign reports, treatment plans, letters, or other clinical documents for which the supervisee shall be responsible; neither shall it be necessary that such clinical documents reflect the supervisory process. Agencies shall not be precluded from requiring supervisor signatures or co-signatures.

### **21 NCAC 54 .2003 CONTRACTING AND REPORTING**

Repealed

### **21 NCAC 54 .2004 TIME REQUIREMENTS**

Repealed

### **21 NCAC 54 .2005 ALTERNATE SUPERVISION REQUIREMENTS**

A licensed psychological associate may submit an alternate supervision plan which proposes that another licensed psychological associate be recognized as an appropriate contract supervisor. Approval by the Board shall be obtained by a licensee prior to receiving supervision under the provisions of this Rule. To be approved by the Board, the alternate supervision plan shall include the following:

- (1) documentation that the plan shall provide for superior supervision;
- (2) confirmation that the plan shall be reviewed, approved, and monitored by a licensed psychologist, permanent, who agrees to assume responsibility for the quality, suitability, and implementation of the plan throughout its duration;
- (3) confirmation that the supervising psychological associate shall not engage in reciprocal supervisory arrangements with other licensed psychological associates; and
- (4) documentation that the supervising psychological associate shall have practiced psychology on at least a half-time basis (i.e., 20 hours per week) for a minimum of 10 years and shall have had no disciplinary action sanction during his or her entire period of licensure in any jurisdiction.

### **21 NCAC 54 .2006 PSYCHOLOGICAL ASSOCIATE ACTIVITIES**

(a) Activities involving overall personality appraisal or classification are subject to review by a supervisor. Such appraisal and classification requiring supervision is defined as any assessment or evaluative technique (i.e., testing, observation, interviewing, or reports of others) which leads to conclusions, inferences, and hypotheses regarding personality functioning. Included are all statements relative to personality attributes, features, traits, structure, dynamics, and pathology or assets, whether or not these lead to a diagnosis or diagnostic impression. Techniques include but are not limited to the following: observation; open-ended and structured interviewing; word association tests; diagnostic play therapy; autobiographical techniques; mental status examinations; and, the use of "projective" and "objective" techniques. "Projective" techniques include such instruments as the Rorschach, Thematic Apperception Test, Tasks of Emotional Development, the Children's Apperception Test, the House-Tree-Person Technique, the Draw-A-Person (when used to assess personality), Kinetic Family Drawings, sentence completion tests, and all similar tests. "Objective" personality tests include the Minnesota Multiphasic Personality Inventory, The Millon tests, the

California Personality Inventory, the 16PF, the California Test of Personality, and all other self-report inventories and questionnaires, as well as scales and check lists completed by others. The tests identified in this Rule as requiring supervision do not constitute an exhaustive list, only the most commonly utilized measures.

(b) Neuropsychological evaluation requires supervision.

(c) Not requiring supervision are neuropsychological screening and interviewing and observation which lead to simple behavioral descriptions. Initial screening interviews which may lead to referral for more extensive evaluation or treatment do not require supervision. Also not requiring supervision are adjective check lists, behavior rating scales, and other rating devices which may be completed by a variety of professional and non-professional observers and are subsequently interpreted by other parties.

(d) Activities involving personality counseling or personality readjustment techniques are subject to review by a supervisor. In determining whether or not supervision is required, the following must be considered:

- (1) the nature of the techniques to be used;
  - (2) the target behavior, attitude, affect, habit, or other personality attribute or feature to be acquired or modified; and,
  - (3) the population which is treated or addressed.
- (e) Supervision is required for activities if any one of the following is met:

- (1) techniques: Those requiring supervision, whether utilized by the psychological Associate or those supervised by him/her, include but are not limited to psychotherapy, group therapies, therapeutic counseling or therapeutic interviewing, and hypnotherapeutic procedures. Also included are behavior management and behavior modification techniques which utilize punishment (negative reinforcers, aversive stimulation, and, in some instances, the withdrawal of positive reinforcers), extended "time out" (beyond several minutes), seclusion (in which a client is locked in a room or otherwise prevented from leaving), and all physical restraint. Also included are any other techniques which are physically intrusive, are restrictive of basic human rights, or are experimental in nature in which the efficacy and degree of risk are unknown. Biofeedback techniques, however, do not require supervision;
- (2) target behaviors or symptoms: These include behaviors, attitudes, affects, habits, or other personality attributes or features, which, when addressed either directly with the person or in consultation, include activity which is actually or is potentially maladaptive or harmful to the person, others, or the physical environment. These include but are not limited to: adjustment difficulties; attention deficit; hyperactivity; impulsivity; sexual difficulties; aggression; somatization; anxiety; self-injurious behavior; substance use; antisocial behavior; conduct disturbances; elimination and eating disturbances; depression or other deviant mood; psychotic activity; interpersonal difficulty; and, any other seriously self-defeating or self-compromising behavior. Supervision is required regardless of whether the behavior or symptoms meet the criteria for formal diagnosis; and
- (3) clinical populations: All interventions with clinical populations require supervision. These are comprised of persons with discernible mental, behavioral, emotional, psychological, and psychiatric disorders as evidenced by an established Axis I or Axis II diagnosis or V Code condition in the then current DSM, and all persons meeting the criteria for such diagnoses. Not included, however, would be persons with mental retardation diagnoses or specific developmental disorders (learning disabilities) when the psychological associate's interventions are in the domain of cognition rather than personality, and when there is no accompanying behavior or personality disorder. Not requiring supervision are techniques designed to stop or reduce cigarette smoking in otherwise non-clinical populations. Any person who carries a diagnosis from an alternative nosology (e.g., GAP or ICD), or is a Willie M. Class member, or qualifies for an educational placement based on an emotional or behavioral condition, or meets the diagnostic criteria from DSM or any of the above, whether established or not, is considered to be a member of a clinical population. Most persons in outpatient psychiatric or psychological treatment and many children with juvenile court involvement would thus be included.

Supervision is required for a psychological associate who provides clinical supervision to other service providers who are engaged in activities which would require supervision if directly provided by the psychological associate.

(f) Psychological associates may use non-therapy, non-punitive, non-intrusive, non-experimental techniques without supervision to teach or facilitate new behaviors in the absence of maladaptive behavior or psychopathological conditions.

**21 NCAC 54 .2007 APPLICANTS AND OTHER NONLICENSED INDIVIDUALS**

(a) Except as provided for in this Rule, in 21 NCAC 54 .1610, and in 21 NCAC 54 .1703, applicants and individuals who have yet to apply shall not practice or offer to practice psychology without supervision. With the exception of those activities which are exempt from licensure as stipulated in G.S. 90-270.4, all activities comprising the practice of psychology shall be subject to review by a supervisor. A minimum of one hour per week of face-to-face individual supervision shall be required in any week in which an applicant or nonlicensed individual practices psychology. Supervision shall be provided by an individual who shall be recognized as an appropriate supervisor of licensees as defined in Rule .2001 of this Section.

(b) An applicant or a nonlicensed individual who is not practicing or offering to practice psychology in North Carolina shall not be required to receive supervision.

(c) An applicant shall keep a written, notarized supervision contract form on file in the Board's office at all times. A supervision contract form shall document either that supervision is required and shall be received, or that supervision is not required.

(d) An initial written, notarized supervision contract form shall be filed along with the application form. A new supervision contract form shall be filed within 30 days of a change in the conditions specified in the supervision contract form on file with the Board and within 30 days after receiving written notification from the Board that the filing of a new form is necessary to provide for the protection of the public or the regulation of the practice of psychology.

(e) Supervision reports shall be submitted upon termination of supervision, when there is a change in the conditions specified in the supervision contract form on file with the Board, or at any time that the supervisor has concerns regarding the supervisee's performance. Additional monitoring and reporting to the Board may be required in cases where previous evaluations or other information (e.g., reference letters, ethical complaints, etc.) suggests possible problems in the supervisee's competence or adherence to ethical standards. Additional documentation or an interview with the Board or its designated representative(s) may be required when questions arise regarding the supervisee's practice due to information supplied or omitted on supervision contract forms and reports or when required forms are not filed with the Board.

(f) Contract and report forms shall be provided by the Board.

**21 NCAC 54 .2008 PSYCHOLOGICAL ASSOCIATE**

(a) Except as provided in this Rule, a Psychological Associate practicing psychology in North Carolina shall receive supervision for activities specified in G.S. 90-270.5(e) and 21 NCAC 54 .2006.

(b) A Psychological Associate whose professional practice is limited to those activities other than those specified in G.S. 90-270.5(e) and 21 NCAC 54 .2006 as requiring supervision shall not be required to receive supervision.

(c) A Psychological Associate who is a regular salaried employee of the State Department of Public Instruction or a local board of education, and whose professional activities are limited only to those for which he or she is employed by that agency, shall not be required to receive supervision. This exemption shall not apply to individuals who contract with the Department of Public Instruction or local boards of education for the delivery of psychological services which otherwise require supervision in the schools.

(d) A Psychological Associate who engages in the practice of psychology in a jurisdiction other than North Carolina shall not be required to receive supervision for those services rendered in another jurisdiction so long as said services are rendered in a manner consistent with the jurisdiction's legal requirements.

(e) A written, notarized supervision contract form shall be filed within 30 days of a change in the conditions specified in the supervision contract form on file with the Board and within 30 days

after receiving written notification from the Board that the filing of a new form is necessary to provide for the protection of the public or the regulation of the practice of psychology. A supervision contract form shall document either that supervision is required and shall be received, or that supervision is not required. A separate supervision contract form shall be filed for each separate work setting. If receiving supervision from more than one supervisor to meet the minimum requirements, a separate supervision contract form shall be filed with each individual supervisor.

(f) A supervisor shall report to the Board that agreed upon supervision has occurred and shall file a final report upon termination of supervision. If not receiving supervision, it shall be the responsibility of the Psychological Associate to report such to the Board. A report shall be submitted to the Board within 30 days after receiving written notification from the Board that such is due, within 2 weeks of termination of supervision, and within 2 weeks of a change in the conditions specified in the supervision contract form on file with the Board.

(g) Additional supervision and reporting to the Board may be required in cases where previous evaluations or other information (e.g. reference letters, ethical complaints, etc.) suggests possible problems in the supervisee's competence or adherence to ethical standards. Additional documentation or an interview with the Board or its designated representative(s) may be required when questions arise regarding the supervisee's practice due to information supplied or omitted on supervision contract forms and reports or when required forms are not filed with the Board.

(h) Supervision shall be provided in individual, face-to-face, sessions which shall last no longer than 2 hours or less than 30 minutes by an individual who shall be recognized as an appropriate supervisor as defined in Rule .2001 of this Section. A Psychological Associate shall receive a minimum of one hour per month of individual supervision in any month during which he or she engages in activities requiring supervision. The rates of supervision specified in this Paragraph shall be provided for each separate work setting in which the Psychological Associate engages in the activities requiring supervision. Minimum hours of supervision required for each work setting shall not be split between more than two supervisors. The term "post-licensure" in this Paragraph shall refer to the period following issuance of a Psychological Associate license by the North Carolina Psychology Board. The term "supervised practice" in this Paragraph shall refer to activities requiring supervision as specified in G.S. 90-270.5(e) and 21 NCAC 54 .2006. Except as provided in Paragraph (g) of this Rule, minimum supervision requirements shall be as follows:

(1) Level 1. For a Psychological Associate with less than 3 calendar years consisting of at least 4500 hours of post-licensure supervised practice, minimum supervision shall be provided as follows:

<u>No. of hours per month engaging in activities that require supervision</u>	<u>No. of hours of required individual supervision per month</u>
1 - 10	1
11 - 20	2
21 - 30	3
31 plus	4

(2) Level 2. After a minimum of 3 calendar years consisting of at least 4500 hours of post-licensure supervised practice, minimum supervision may be provided as follows:

<u>No. of hours per month engaging in activities that require supervision</u>	<u>No. of hours of required individual supervision per month</u>
1 - 20	1
21 plus	2

To be approved by the Board for this level of supervision, a Psychological Associate shall:

- (A) make application on an application form provided by the Board;
- (B) document that all performance ratings for the preceding 3 years and 4500 hours of post-licensure supervised practice have been average or above average;
- (C) have received at least one calendar year of supervision from the most recent supervisor; and
- (D) have the recommendation of the most recent supervisor for this level of supervision.

(3) Level 3. After a minimum of 5 calendar years consisting of at least 7500 hours of post-licensure supervised practice, a minimum of 1 hour per month individual supervision may be provided to a Psychological Associate who engages in activities

requiring supervision. To be approved by the Board for this level of supervision, a Psychological Associate shall:

- (A) make application on an application form provided by the Board;
- (B) document that all performance ratings for the preceding 5 years and 7500 hours of post-licensure supervised practice have been average or above average;
- (C) have received at least one calendar year of supervision from the most recent supervisor; and
- (D) have the recommendation of the most recent supervisor for this level of supervision.

(i) The frequency and scope of supervision may, at the discretion of the supervising psychologist, be modified provided that the minimum rate of supervision as defined in Paragraph (h) of this Rule is provided. The supervising psychologist of record may review, approve, and monitor additional individual or group supervision to be provided to the supervisee by a Licensed Psychological Associate, Licensed Psychologist holding a permanent or provisional license, or a professional from a related discipline. Such supervision shall not substitute for the minimum requirements specified in Paragraph (h) of this Rule.

(j) Contract and report forms shall be provided by the Board.

#### **21 NCAC 54 .2009 LICENSED PSYCHOLOGIST**

(a) Except as provided in 21 NCAC 54 .1707, to be issued a permanent license at the Psychologist level, an applicant shall document a minimum of 2 years consisting of at least 3000 hours of supervised practice which shall meet the requirements specified in Paragraphs (i) and (j) of this Rule. A minimum of 1 calendar year consisting of at least 1500 hours of this supervised practice shall be accrued at the postdoctoral level.

(b) A psychologist who shall meet all other requirements for a permanent license except the two years of supervised experience shall be issued a provisional license at the Psychologist level and shall comply with supervision requirements specified in this Rule.

(c) If practicing psychology in North Carolina, a provisional licensee shall receive at least one hour per week of face-to-face individual supervision by an appropriate supervisor as defined in Rule .2001 of this Section until permanent status shall be approved by the Board.

(d) A provisional licensee who is not practicing psychology shall not be required to receive supervision.

(e) A provisional licensee who engages in the practice of psychology in a jurisdiction other than North Carolina shall not be required to receive supervision for those services rendered in another jurisdiction so long as said services shall be rendered in a manner consistent with the jurisdiction's legal requirements.

(f) A written, notarized supervision contract form shall be filed within 30 days of a change in the conditions specified in the supervision contract form on file with the Board and within 30 days after receiving written notification from the Board that the filing of a new form is necessary to provide for the protection of the public or the regulation of the practice of psychology. A supervision contract form shall document either that supervision is required and shall be received, or that supervision is not required. A separate supervision contract form shall be filed for each separate work setting. If receiving supervision from more than one supervisor, a separate supervision contract form shall be filed with each individual supervisor.

(g) A supervisor shall report to the Board that agreed upon supervision has occurred and shall file a final report upon termination of supervision. If not receiving supervision, it shall be the responsibility of the provisional licensee to report such to the Board. A report shall be submitted to the Board within 30 days after receiving written notification from the Board that such is due, within 2 weeks of termination of supervision, and within 2 weeks of a change in the conditions specified in the supervision contract form on file with the Board.

(h) Additional supervision and reporting to the Board may be required in cases where previous evaluations or other information (e.g. reference letters, ethical complaints, etc.) suggests possible problems in the supervisee's competence or adherence to ethical standards. Additional documentation or an interview with the Board or its designated representative(s) may be required when questions arise regarding the supervisee's practice due to information supplied or

omitted on supervision contract forms and reports or when required forms are not filed with the Board.

(i) One year of supervised experience shall meet all of the following criteria for a training program in psychology:

- (1) The training shall be a planned and directed program in the practice of psychology, in contrast to "on the job" training, and shall provide the trainee with a planned, programmed sequence of training experience.
- (2) The training site shall have a written statement or brochure which describes its training program and is made available to prospective trainees.
- (3) Trainees shall be designated as "interns," fellows," or "residents," or shall hold other designation which clearly indicates training status.
- (4) The training shall be completed within a consecutive period of 24 months.
- (5) The training shall consist of at least 1500 hours of practice in psychology as defined by G.S. 90-270.2(8).
- (6) The training site shall have a minimum of two doctorally trained licensed, certified, or license eligible psychologists at the training site as supervisors who shall have ongoing contact with the trainee.
- (7) The training shall be under the direction of a licensed, certified, or license eligible doctorally trained psychologist who shall be on the staff of the training site, who shall approve and monitor the training, who shall be familiar with the training site's purposes and functions, who shall have ongoing contact with the trainee, and who shall agree to assume responsibility for the quality, suitability, and implementation of the training experience.
- (8) The training shall provide a minimum of two hours per week of individual face-to-face discussion of the trainee's practice, with the specific intent of overseeing the psychological services rendered by the trainee. Supervision may be provided in part by psychiatrists, social workers, or other related professionals qualified by the training site, but at least 50% of supervision shall be provided by licensed, certified, or license-eligible doctorally trained psychologists.
- (9) In addition to individual supervision, the training site shall provide a minimum of two hours per week of instruction which may be met by group supervision, assigned reading, seminars, and similarly constituted organized training experiences.

Internships accredited by the American Psychological Association and other internships which meet all of the specified criteria in this Paragraph shall be deemed to meet the requirements in this Paragraph.

(j) One year of supervised experience shall meet all of the following criteria:

- (1) A minimum of one hour per week of face-to-face, individual supervision shall be provided.
- (2) The experience shall consist of a minimum of 1 calendar year, shall include 1500 hours of practice, and shall be completed within a consecutive 4-year period.
- (3) Supervision shall be provided for the practice of psychology as defined by G.S. 90-270.2(8).
- (4) Supervision shall be provided by an individual who shall be recognized as an appropriate supervisor of licensees as defined in Rule .2001 of this Section.

(k) Contract and report forms shall be provided by the Board.

#### **SECTION .2700 HEALTH SERVICES PROVIDER CERTIFICATION**

The 1993 General Assembly amended the Psychology Practice Act to require that Licensed Psychologists (who hold permanent licenses) providing health services be certified. Such certification is represented as a public protection measure to restrain potential abuses of generic licensure, in which psychologists untrained in applied psychology provide services for which they are not qualified. The statute further provides for *optional* certification for Licensed Psychological Associates and Licensed Psychologists with provisional licenses. Only those permanently Licensed Psychologists with certification can perform involuntary commitments for psychiatric hospitalization.

## 21 NCAC 54 .2701 ACTIVITIES INCLUDED

(a) Health services in psychology include the diagnosis, evaluation, treatment, remediation, and prevention of: mental, emotional, and behavioral disorder, disability, and illness; substance abuse; habit and conduct disorder; and psychological aspects of physical illness, accident, injury, and disability. Included are counseling, psychoeducational, and neuropsychological services related to the above. Health services include collateral contacts by a psychologist with families, caretakers, and other professionals for the purpose of benefiting a patient or client of that psychologist, as well as, direct services by a psychologist to individuals and groups.

(b) Health services in psychology do not include vocational and educational guidance. Also not included are the teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultations to organizations or institutions, except when such activities involve the delivery of direct psychological services to individuals or groups of individuals who are themselves the intended beneficiaries of such services.

## 21 NCAC 54 .2703 DISPLAY OF CERTIFICATE

A health services provider certificate shall be displayed in close proximity to a licensee's licensure certificate in his/her principal place of employment and in a place that is visible to the licensee's served clientele.

## 21 NCAC 54 .2704 HSP-P REQUIREMENTS

(a) To be certified as a health services provider psychologist (HSP-P), a licensed psychologist holding permanent North Carolina licensure shall be qualified by education as defined in Paragraph (b) of this Rule and shall have completed two years of supervised experience, of which at least one year shall be post-doctoral. These two years of experience shall meet the criteria specified in Paragraphs (c) and (d) of this Rule, or in Paragraph (e) of this Rule. An applicant shall submit a completed, notarized application form and provide documentation of meeting health services provider requirements.

(b) An applicant shall demonstrate that he/she is qualified by education to provide health services by meeting one of the following criteria:

- (1) is currently approved for listing, or is currently listed, in the National Register of Health Service Providers in Psychology;
- (2) is a diplomate in good standing of the American Board of Professional Psychology in a health services specialty area;
- (3) is a graduate from a doctoral program which was accredited at the time of the applicant's graduation by the American Psychological Association in Clinical Psychology, Counseling Psychology, School Psychology, or Combined Professional-Scientific Psychology; or
- (4) has an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section which meets the following requirements:
  - (A) The applicant's doctoral program, or formal postdoctoral program of re-specialization, in psychology shall be an organized training program which has established a clear intent, through the structure of the program and in institutional publications, to train individuals to provide health services in psychology as defined in G.S. 90-270.2(4) and Rule .2701(a) of this Section.
  - (B) Within the applicant's doctoral training program, or formal postdoctoral program of re-specialization, in health services in psychology, course work shall have been completed in the areas of assessment, diagnosis, intervention, and psychopathology. The applicant shall further establish that he or she has completed relevant course work that has provided training in diagnosis, evaluation, treatment, remediation, or prevention of one or more of the following areas:
    - (i) mental, emotional, and behavioral disorder, disability, and illness;
    - (ii) substance abuse;
    - (iii) habit and conduct disorder; or
    - (iv) psychological aspects of physical illness, accident, injury, and disability.

(C) Pursuant to final Board approval, an applicant shall be considered to have been trained in the provision of health services in psychology if the applicant establishes that requirements set forth in Subparagraphs (b)(4)(A) and (b)(4)(B) of this Rule have been met through a doctoral program, or formal postdoctoral program of re-specialization, in any one of the following areas of specialization in psychology: applied behavior analysis in psychology, applied developmental psychology, clinical psychology, counseling psychology, rehabilitation psychology, or school psychology.

(D) An applicant who holds a doctoral degree in psychology, who applies for licensure as a Licensed Psychologist, and who holds a master's or specialist degree in psychology that provides training in the provision of health services shall not be eligible for HSP-P certification if the applicant's doctoral program, or formal postdoctoral re-specialization program, in psychology does not also provide training in the provision of health services as set forth in Subparagraphs (b)(4)(A) and (b)(4)(B) of this Rule. If the applicant has a doctoral degree in an area of psychology that does not provide training in the provision of health services, that applicant shall not be eligible for HSP-P certification even if the applicant establishes that course work in the areas listed in Subparagraph (b)(4)(B) was completed or if the applicant has completed an applied training experience (i.e., practicum, internship, residency, postdoctoral fellowship, etc.) in the provision of health services without having completed a planned and directed doctoral or formal postdoctoral training program in health services in psychology.

(E) An applicant who has completed a doctoral program that establishes in institutional publications an intent to train individuals for careers in administration, research, teaching, academia, and other areas not involving training in the provision of health services in psychology shall not be considered to have been provided an academic foundation in the provision of health services and shall not be approved for HSP-P certification.

(F) Only that course work taken at an institution of higher education as defined in G.S. 90-270.2(5) shall be considered by the Board to establish that an applicant has an academic foundation in the provision of health services.

(c) Except as provided in Paragraph (e) of this Rule, an applicant shall demonstrate one year of supervised experience which meets the following requirements for an organized health services training program:

- (1) The training shall be a planned and directed program in the provision of health services, in contrast to "on the job" training, and shall provide the trainee with a planned, programmed sequence of training experience.
- (2) The training site shall have a written statement or brochure which describes its training program and is made available to prospective trainees.
- (3) Trainees shall be designated as "interns," fellows," or "residents," or hold other designation which clearly indicates training status.
- (4) The training shall be completed within 24 months.
- (5) The training shall consist of at least 1500 hours of practice.
- (6) At least 25% of the training shall be spent in the provision of direct health services, as defined in Rule .2701(a) of this Section, to patients or clients seeking assessment or treatment.
- (7) Up to 25% of the training may be comprised of research activities.
- (8) There shall be a minimum of two doctorally trained licensed, certified, or license eligible psychologists at the training site as supervisors who have ongoing contact with the trainee.
- (9) The training shall be under the direction of a licensed, certified, or license eligible doctorally trained psychologist who is on the staff of the training site, who approves and monitors the training, who is familiar with the training site's purposes and functions, who has ongoing contact with the trainee, and who agrees to assume responsibility for the quality, suitability, and implementation of the training experience.
- (10) The training shall provide a minimum of two hours per week of individual face-to-face discussion of the trainee's practice, with

the specific intent of overseeing the health services rendered by the trainee. Supervision may be provided in part by psychiatrists, social workers, or other mental health professionals qualified by the training site, but at least 50% of supervision shall be provided by licensed, certified, or license-eligible doctorally trained psychologists.

- (11) In addition to individual supervision, the training site shall provide a minimum of two hours per week of instruction which may be met by group supervision, assigned reading, seminars, and similarly constituted organized training experiences.

This specified year of supervised experience may be obtained at a predoctoral level, provided that an additional year of supervised experience as defined in Paragraph (d) of this Rule is obtained at a post-doctoral level. Internships accepted for listing in the National Register of Health Service Providers in Psychology and internships accredited by the American Psychological Association in Clinical Psychology, Counseling Psychology, or School Psychology shall be deemed to meet the requirements in this Paragraph.

(d) An applicant shall demonstrate one year of supervised experience which meets the following requirements:

- (1) The experience shall consist of a minimum of one calendar year and include 1500 hours of supervised experience.
- (2) The experience shall be completed within a consecutive four-year period.
- (3) The supervision shall be for the direct provision of health services in psychology, as defined in Rule .2701(a) of this Section, by the applicant to individuals or groups of clients/patients.
- (4) At least one hour per week of formal, face-to-face, individual supervision shall have been provided, except that individual supervision provided up until January 1, 1996, may have been provided in two, two-hour sessions per month.
- (5) The supervisor shall have been an appropriately licensed or certified psychologist, whose license or certificate was in good standing, in the state where the practice occurred.
- (6) The supervisor, at the time of supervision, shall not have been in a dual relationship with the supervisee, e.g., spouse, other close relative, close personal friend, or therapist.

This specified year of supervised experience may be obtained at a predoctoral level, provided that an additional year of supervised experience as defined in Paragraph (c) of this Rule is obtained at a post-doctoral level.

(e) An applicant who holds a provisional license as a Licensed Psychologist in North Carolina on the effective date of this Rule shall not be required to have had one year of supervised experience which meets the requirements of an organized health services training program as specified in Paragraph (c) of this Rule, but shall have completed two years of supervised experience, of which at least one year shall be post-doctoral, as defined in Paragraph (d) of this Rule.

(f) An applicant who documents that he/she meets any one of the following criteria shall be deemed to meet all requirements of this Rule for certification as a health services provider psychologist (HSP-P):

- (1) is currently approved for listing, or is currently listed, in the National Register of Health Service Providers in Psychology;
- (2) is a diplomate in good standing of the American Board of Professional Psychology in Clinical Psychology, Counseling Psychology, or School Psychology;
- (3) is a graduate from a doctoral program which was accredited at the time of the applicant's graduation by the American Psychological Association in Clinical Psychology, Counseling Psychology, School Psychology, or Combined Professional-Scientific Psychology and which included an internship accredited by the American Psychological Association, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule;
- (4) is a graduate from a doctoral program which was fully accredited at the time of the applicant's graduation by the American Psychological Association in School Psychology and which included an internship meeting the guidelines of the Council of Directors of School Psychology Programs as documented by the program chair, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule; or

- (5) is a graduate who received a doctoral degree prior to 1979 from a program which included course work which demonstrates an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section, and which included the equivalent of a one year supervised internship in an American Psychological Association accredited program providing health services, in a Veterans Administration setting providing health services, or at a site providing health services which was specifically acceptable to the applicant's doctoral training program, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule; or

- (6) is approved for licensure under senior psychologist requirements specified in 21 NCAC 54 .1707 and demonstrates that at least 25% of his/her qualifying practice has been in the provision of direct health services, as defined in Rule .2701(a) of this Section.

(g) An applicant applying under Subparagraph (f)(1) of this Rule, and who has not yet been approved for listing in the National Register of Health Service Providers in Psychology, shall be permitted to file an affidavit verifying that he/she qualifies for listing in the Register. Upon receipt of this affidavit, the Board may issue a health services provider certificate, conditioned upon receipt of a letter from the Register within 60 days of receipt of the affidavit which confirms approval for, or listing in, the Register. An extension of the 60 days may be granted upon showing that additional time is needed for application review by the National Register of Health Service Providers.

(h) An applicant for health services provider certification who knowingly provides false or fraudulent information to the Board with respect to his/her application, or who fails to provide the notification from the National Register of Health Service Providers in Psychology where required, shall be subject to disciplinary action by the Board, including revocation of licensure and the health services provider certificate.

#### **21 NCAC 54 .2705 HSP-PP REQUIREMENTS**

(a) To be certified as a health services provider psychologist (HSP-PP), a licensed psychologist holding provisional North Carolina licensure shall be qualified by education. An applicant shall submit a completed, notarized application form and provide documentation of meeting health services provider requirements.

(b) An applicant shall demonstrate that he/she is qualified by education to provide health services by meeting one of the criteria defined in Rule .2704(b) of this Section.

#### **21 NCAC 54 .2706 HSP-PA REQUIREMENTS**

(a) To be certified as a health services provider psychological associate (HSP-PA), a North Carolina licensed psychological associate shall be qualified by education. An applicant shall submit a completed, notarized application form and provide documentation of meeting health services provider requirements.

(b) An applicant shall demonstrate that he/she holds a master's, specialist, or doctoral degree which provides an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section and which meets the following requirements:

- (1) The master's, specialist, or doctoral program in psychology shall be an organized training program which has established a clear intent, through the structure of the program and in institutional publications, to train individuals to provide health services in psychology as defined in G.S. 90-270.2(4) and Rule .2701(a) of this Section.
- (2) Within the applicant's training program in health services in psychology, course work shall have been completed in the areas of assessment, diagnosis, intervention, and psychopathology. The applicant shall further establish that he or she has completed relevant course work that has provided training in diagnosis, evaluation, treatment, remediation, or prevention of one or more of the following areas:
  - (A) mental, emotional, and behavioral disorder, disability, and illness;
  - (B) substance abuse;
  - (C) habit and conduct disorder; or
  - (D) psychological aspects of physical illness, accident, injury, and disability.
- (3) Pursuant to final Board approval, an applicant shall be considered to have been trained in the provision of health

services in psychology if the applicant establishes that requirements set forth in Subparagraphs (b)(1) and (b)(2) of this Rule have been met through a master's, specialist, or doctoral degree program in psychology in any one of the following areas of specialization in psychology: applied behavior analysis in psychology, applied developmental psychology, clinical psychology, counseling psychology, rehabilitation psychology, school psychology, health psychology, or substance abuse treatment.

- (4) If the applicant cannot establish that he or she has a master's, specialist, or doctoral degree from a program in psychology that provides training in the provision of health services, the applicant shall not be eligible for HSP-PA certification. This shall apply even if the applicant establishes that course work in the areas listed in Subparagraph (b)(2) of this Rule was completed or if the applicant has completed an applied training experience (i.e., practicum, internship, residency, postdoctoral fellowship, etc.) in the provision of health services without having completed a planned and directed training program in health services in psychology.
- (5) An applicant who has completed a program in psychology that establishes in institutional publications an intent to train individuals for careers in administration, research, teaching, academia, and other areas not involving training in the provision of health services in psychology shall not be considered to have been provided an academic foundation in the provision of health services and shall not be approved for HSP-PA certification.
- (6) Only course work taken at an institution of higher education as defined in G.S. 90-270.2(5) shall be considered by the Board to establish that an applicant has an academic foundation in the provision of health services.
- (7) Psychological Associates who receive their degrees during or after 1997 shall document that their degree program included an internship, externship, or practicum at a site providing health services which meets all the following criteria:
  - (A) The internship, externship, or practicum shall have been in a planned and directed program of training in health services, in contrast to on-the-job training, and shall have provided the trainee with a planned and directed sequence of training integrated with the educational program in which the individual was enrolled.
  - (B) The internship, externship, or practicum site shall have had a clearly designated and appropriately licensed psychologist who was responsible for the integrity and quality of the training program.
  - (C) The internship, externship, or practicum shall have been comprised of the equivalent of at least one semester's training and shall have been a minimum of 12 weeks and 200 hours of supervised training in the provision of health services.
  - (D) The internship, externship, or practicum shall have had a written program description detailing its functioning and shall have been approved by the applicant's training program prior to its occurrence.
  - (E) The internship, externship, or practicum shall have provided a minimum of one hour per week of individual face-to-face, regularly scheduled supervision with the specific intent of overseeing the health services rendered by the trainee.
  - (F) At least 50% of the training shall have been spent in the provision of direct health services to patients or clients seeking assessment of treatment, and shall have been comprised of a range of assessment and treatment interventions.
  - (G) Supervision may have been provided in part by psychiatrists, social workers, or other mental health professionals qualified by the training site, but at least 50% of supervision shall have been provided by an appropriately licensed or certified psychologist or psychological associate, or other psychologist who is exempt from licensure under the North Carolina Psychology Practice Act.

(H) Persons enrolled in the internship, externship or practicum shall have been designated as "interns, "externs", or "practicum students" or hold other designation which clearly indicated training status.

(c) An applicant who is approved for licensure as a Psychological Associate under senior psychologist requirements specified in 21 NCAC 54 .1707 and demonstrates that at least 25% of his/her qualifying practice has been in the provision of direct health services, as defined in Rule .2701(a) of this Section, shall be deemed to meet all requirements of this Rule for certification as a health services provider psychological associate (HSP-PA).

## SECTION .2800 ANCILLARY SERVICES

### 21 NCAC 54 .2801 SCOPE

(a) Pursuant to G.S. 90-270.21, licensed psychologists (provisional and permanent), licensed psychological associates, or temporary licensees, all of whom shall be identified as "psychologists" under G.S. 90-270.2(9), may employ or supervise unlicensed individuals to provide ancillary services. The psychologist shall, at all times, retain full professional responsibility for the quality of the services rendered and for the effects of the services upon the client, patient, or other individuals. This responsibility for the quality of services delivered by supervisees and for the welfare of the client or patient shall be no different than if the psychologist had provided the services in person. The psychologist shall have had face-to-face contact during the course of services with all patients, clients, or other recipients of services who are provided ancillary services by unlicensed persons as part of the psychologist's services.

(b) Ancillary services shall be considered to be only those activities which an individual shall engage in for the purpose of providing assistance to a psychologist in providing psychological services to patients, clients, and their families. Not included as ancillary services are those clerical and administrative services which are not directly related to assisting a psychologist in the provision of psychological services.

(c) Failure of any psychologist to train ancillary services personnel, to ensure that training has occurred, or to supervise ancillary services personnel may subject that psychologist to disciplinary action pursuant to G.S. 90-270.15(a).

(d) The Board shall have the authority to restrict or revoke a psychologist's privilege to utilize unlicensed individuals to provide ancillary services for the following reasons:

- (1) evidence that the psychologist is not competent to supervise ancillary services personnel;
- (2) evidence that the psychologist has failed to adhere to legal or ethical standards;
- (3) evidence that there is a lack of congruence between the psychologist's training, experience, and area of practice and the ancillary services personnel's area(s) of practice;
- (4) evidence that the psychologist has a license against which disciplinary or remedial action has been taken; or
- (5) evidence that an unlicensed person in the psychologist's employment or under the psychologist's supervision has violated any provision of G.S. 90-270.15(a), which would otherwise apply to licensed individuals.

### 21 NCAC 54 .2802 TITLES

Titles of individuals providing ancillary services shall not indicate either that these individuals are licensed or trained in psychology or that the individuals are providing services defined as the practice of psychology in G.S. 90-270.2(8). Unlicensed individuals providing ancillary services shall not use any title incorporating the words "assessment," "associate," "clinical," "counseling," "diagnostic," "evaluation," "examiner," "psychologic," "psychological," "psychologist," "psychology," or derivatives of such. Examples of titles that unlicensed individuals may use include "aide," "assistant," "behavioral," "testing," "technician," "psychometrist," or derivatives of these titles.

### 21 NCAC 54 .2803 EMPLOYMENT AND SUPERVISION OF UNLICENSED INDIVIDUALS

(a) Any psychologist who employs or supervises unlicensed individuals who provide ancillary services as specified in Rule .2801 of this Section shall maintain documentation of the relationship between the psychologist and the unlicensed individual beginning with the date upon which the relationship is initiated. Written documentation that includes the

responsibilities of both parties shall be maintained by the licensee. Except when prevented from doing so by circumstances beyond the psychologist's control, the psychologist shall maintain documentation of the relationship with the unlicensed individual for a minimum of seven years after the termination of the relationship and shall present the documentation to the Board upon written request. If the unlicensed individual is supervised by more than one psychologist, there shall be a psychologist appointed to have primary responsibility for the coordination of and provision of ancillary services by the unlicensed individual. The appointed psychologist shall have responsibility for clinical record keeping with regard to the ancillary services provided by the unlicensed individual. Any psychologist supervising or employing persons who provide ancillary services shall not submit records regarding ancillary services personnel to the Board unless ordered to do so pursuant to G.S. 90-270.9.

(b) The psychologist shall be competent to render all ancillary services specified in Rule .2801 of this Section that the employee or supervisee shall render. However, supervision may be delegated to other psychologists affiliated with the employment setting whose competence in the delegated areas has been demonstrated by previous education, training, and experience.

(c) Any psychologist who employs or supervises individuals to provide ancillary services shall be accessible at all times, either on-site or through electronic communication, and shall be available to render assistance when needed to the unlicensed individual and patient or client, or shall have arranged for another psychologist to be accessible and available in the absence of the supervising psychologist. Psychologists shall meet with all unlicensed individuals whom they supervise to the extent necessary to provide supervision for the activities in which the unlicensed individual is engaged. The psychologist shall maintain documentation of supervisory sessions, including dates, appointment times, and length of time of each supervision session, for a period of at least seven years following the termination of ancillary services by ancillary services personnel.

#### **21 NCAC 54 .2804 QUALIFICATIONS AND TRAINING**

(a) Prior to the provision of ancillary services by an unlicensed individual, the psychologist supervising or employing the individual shall provide training in and establish that the individual has knowledge and understanding of legal and ethical requirements for maintaining confidentiality, exceptions to confidentiality including mandated reporting of suspected abuse or neglect, and professional ethics, and shall ensure that documentation is maintained in writing that the individual is trained in the aforementioned areas. Documentation of training shall include the date(s) on which training occurred, the purpose of the training, the identity of the individual(s) providing the training, and the total number of hours of training for each date on which the training occurred. Training in professional ethics shall include applicable areas of the Code of Conduct contained in the North Carolina Psychology Practice Act at G.S. 90-270.15(a). Documentation of qualifications and training that occurred prior to the effective date of this Rule shall not be required for ancillary services personnel who were employed prior to the effective date of this Rule and who continue in the same ancillary services position with the same agency or practice. Training occurring for any ancillary services personnel after the effective date of this Rule shall be documented as described in this Rule.

(b) Any psychologist supervising or employing an unlicensed individual to provide ancillary services shall provide instruction in and establish that the individual shall have received training sufficient to perform the activities delegated to the unlicensed individual, or otherwise shall ensure that documentation is maintained in writing that the individual is trained to perform the activities. The psychologist shall maintain documentation of the employee's or supervisee's training for at least seven years following the termination of ancillary services by ancillary services personnel.

(c) A psychologist shall not employ or supervise individuals to provide ancillary services who have previously been licensed or certified to practice psychology who have relinquished their licenses or certification or who have had their licenses or certification restricted, suspended, or revoked by the Board in North Carolina or any other jurisdiction.

#### **21 NCAC 54 .2805 SERVICES APPROPRIATE FOR ANCILLARY SERVICES PERSONNEL**

(a) Clerical functions requiring a minimum of judgment are appropriate activities in which unlicensed individuals may engage. Examples of these activities include responding to telephone inquiries, scheduling appointments, filing insurance claims, typing psychological reports, and completing data entry of test results after a patient or client has responded to such items as questionnaires, forms, etc. These activities shall be appropriate for ancillary services personnel to provide under the supervision of a psychologist. A psychologist who employs or supervises unlicensed individuals to provide only the services described in this Paragraph shall otherwise be exempt from the requirements of Rule .2803, Paragraph (a) of this Section as to these unlicensed individuals.

(b) Tasks requiring technical skills, training, and judgment during execution are appropriate activities in which unlicensed individuals may engage. Examples of these activities include obtaining demographic histories; implementing biofeedback techniques; administering and scoring specific parts of psychological tests, including neuropsychological tests, which are scored on a pass/fail, multiple choice, or true/false basis, or for which scores are based on speed or quantity of performance; administering intelligence tests and other psychological tests to an individual in which the patient or client's performance may alter the length of the protocol, require adjustment of the number of items administered, or require that a decision be made to probe a response of the patient or client provided that ancillary services personnel have been deemed by the licensee to have met the training requirements of the test publisher; and implementing specific behavioral interventions that are part of a detailed treatment plan. A psychologist may delegate such technical tasks to an unlicensed individual upon determining that the tasks can be performed, given the client or patient's characteristics and circumstances, in a manner consistent with the unlicensed individual's training and skills. A psychologist who employs or supervises unlicensed individuals to provide the services described in this Paragraph shall comply with documentation and supervision requirements specified in Rule .2803 of this Section.

(c) Pursuant to G.S. 90-270.15(a)(17), a dated entry shall be made in the patient or client's records at any time that an ancillary service is provided at the request or direction of the licensee. This requirement shall include all ancillary services provided and billed to a third party or paid by the patient or client to the licensee and all ancillary services for which there is no charge. Unlicensed individuals providing ancillary services who make clinical record entries regarding services they provide shall sign such entries and indicate their titles under Rule .2802 of this Section as providers of ancillary services. The psychologist shall ensure that case notes, financial statements, and other records of services identify whether the psychologist or the unlicensed individual was the direct provider of the service.

#### **21 NCAC 54 .2806 SERVICES NOT APPROPRIATE FOR UNLICENSED INDIVIDUALS**

Individuals providing ancillary services shall not engage in tasks involving judgment during the execution of those services when training in the foundation of psychology for the level of judgment is characteristically based on academic preparation at the master's, specialist, or doctoral level in psychology. Examples of these activities include administration of projective techniques; psychological evaluation report writing; and all forms of diagnostic interviewing, counseling, and psychotherapy. Psychological test results shall not, under any circumstances, be interpreted by ancillary services personnel to recipients of services or their duly designated representative(s).

#### **\*\*ADDITIONAL INFORMATION\*\***

The following information is provided to further explain certain provisions of North Carolina law; it does **not** change the law.

#### **Examinations**

[NOTE: In addition to the following, see examination requirements in 21 NCAC 54 .1900.]

(a) National Examination. The content outline for the Examination for Professional Practice in Psychology (EPPP) is available on the ASPPB web site at <http://www.asppb.org>. Effective April 2001, the EPPP is administered on computer at Prometric Testing Centers throughout the U.S. and Canada. An approved applicant calls a testing site to schedule the examination for his

or her chosen location and date. The *current* cost is \$525.00 [\$500.00 is remitted to the Professional Examination Service (PES), and \$25.00 is remitted to the Board as a non-refundable administrative fee]. There is also an additional test administration fee [*currently*, \$65.00] which is collected directly by the Prometric Testing Center.

- (b) State Examination. The Board-developed State Examination assesses the applicant's knowledge of the North Carolina Psychology Practice Act, selected rules of the Board covering such topics as education and supervision, and other legal requirements, and the APA Ethics Code [a copy of which may be obtained from the APA at 750 First Street NE, Washington, DC 20002-4242; Order Department telephone number (800) 374-2721]. The State Examination is *currently* a 50-item, multiple choice examination; and presently, is administered in paper-and-pencil format four times a year, *usually* in January, April, July, and October. As a *general* rule, applicants approved for examination at the October and December meetings will be admitted to the January examination; applicants approved at the February meeting will be admitted to the April examination; applicants approved at the April and June meetings will be admitted to the July examination; and applicants approved at the August meeting will be admitted to the October examination.

### Reciprocity

At the present time, North Carolina has no reciprocity agreement with any other jurisdiction. However, if one's credentials meet the criteria for licensure in this State, and he/she has obtained a previous score on the Examination for Professional Practice in Psychology which meets the North Carolina passing point for that particular administration of the examination (which may be *different* from the *current* pass point), the State Examination only will be required.

### Supervision Requirements for Neuropsychological Assessment

In response to a specific request for clarification, the Board considered the supervision issues for Psychological Associates practicing neuropsychological assessment. The resulting guidelines are reprinted here for use by psychologists using these techniques or supervising their usage.

1. Psychological Associates, if properly trained, may use screening instruments (e.g., the Bender, Graham-Kendall Memory for Designs, etc.) and offer statements regarding the presence, absence, and nature of perceptual disorder, without supervision.

2. Comprehensive neuropsychological assessment leading to diagnosis, classification, and other definitive statements regarding neurological function, and the etiology and treatment dysfunction may be practiced by Psychological Associates under qualified supervision. This determination is based on the complexity of such assessments and the necessity for highly specialized training not generally included in master's level and many doctoral level programs.

3. The Board notes that many doctoral level practitioners may require additional training and supervision to practice clinical neuropsychology and calls attention to its guidelines entitled "Generic Licensure, Specialization and Re-Specialization".

The Board recognizes that revisions in these guidelines may become necessary, and welcomes requests for clarification or other comment.

### Generic Licensure

History: These policies represent long standing Board consensus, and were adopted in written form on November 1, 1984; and updated on April 29, 1994, February 6, 2002, and October 2, 2003.

North Carolina, in common with most other states, has adopted generic standards for the statutory licensing of psychologists. This position recognizes a common core of scientific knowledge from which professional practice is derived. However, professional psychology specialties have emerged from the generic practice of psychology. The Board does not license in any specialty area, but does issue health services provider certification to licensees who provide health services. This certification is mandatory for a licensed psychologist who holds a permanent license and who provides or offers to provide health services; the certification is optional for a licensed psychologist holding a provisional license or for a licensed psychological associate. When a psychologist re-specializes or practices techniques not

supported by the psychologist's original training, the psychologist is responsible to adhere to G.S. 90-270.15(a)(13) which requires that a psychologist practice in keeping with "the boundaries of demonstrated competence or the limitations of education, training, or supervised experience." Similarly, the 2002 APA Ethics Code, Standard 2.01(c), holds that, "Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study." Practicing in violation of these standards is grounds for disciplinary action, including revocation of licensure. In reviewing applications for licensure and health services provider certification, and in approving supervision contracts, the Board expects congruence between training and practice, and between the training and experience of a supervisor and the practice of a supervisee. When there are indications of specialization beyond original training, re specialization, or the utilization of techniques not supported by original training, the Board may seek evidence of any of the following: professional workshops and inservice training; specialized supervision; additional practice and internship experience; and, formal, graduate level re training. When a major shift is proposed (e.g., from experimental to clinical), the Board recommends that psychologists who wish to practice in another specialty meet the same requirements with respect to subject matter and professional skills that apply to graduate education and training in the particular specialty. Generally, the acquisition of internship, practicum, or employment experience alone is not considered to be adequate preparation in any specialty area if the original education is not in that area.

### The Mandatory Reporting of Abuse, Neglect, and Dependency of Children, and Abuse or Neglect of Disabled Adults in North Carolina

The Board encourages all licensees to become familiar with the sections of the North Carolina Juvenile Code (G.S. 7B-300 et seq.) and the Protection of the Abused, Neglected or Exploited Disabled Adult Act (G.S. 108A-99 et seq.) which contain the requirements for reporting of abuse and neglect of juveniles and disabled adults, respectively. While the Board does not maintain copies of these statutes for distribution, copies of such may be found in most public libraries.

### Right to Choose Services

North Carolina statutes require that those insurance plans covering services which are within the scope of practice of a "duly licensed psychologist" (1) shall permit the insured or beneficiary to choose the provider (including a psychologist), and (2) shall provide payment of or reimbursement for such care or service. Effective January 1, 2004, pursuant to G.S. 58-50-30(b), a "duly licensed psychologist" is defined as a licensed psychologist who holds permanent licensure and certification as a health services provider psychologist issued by the North Carolina Psychology Board or a licensed psychological associate who holds permanent licensure. It is important to point out that licensure does not automatically guarantee reimbursement eligibility with all insurance companies. A licensee should contact the individual companies regarding their specific policies regarding reimbursement eligibility, the procedure for obtaining a provider number, etc.

### Statewide Psychologist Privilege License

G.S. 105-41 of the Revenue Laws provides, in part, that "...any person practicing any professional art of healing for a fee or reward..." must procure from the North Carolina Department of Revenue a statewide privilege license and pay for such license a tax of \$50.00 annually. For the purposes of G.S. 105-41, "professional art" has been defined as one requiring knowledge of an advanced type in a given field of science or learning gained by a prolonged course of specialized instruction and study, and "healing" as the restoring to health or soundness, or curing. While "psychologist" is not specifically listed in G.S. 105-41, a psychologist who engages in the professional art of healing (as defined) for a fee or reward is subject to license under that section. This license, issued as "psychologist" privilege license, is in addition to the regulatory license required by the North Carolina Psychology Board. To obtain application for psychologist privilege license, please write to the North Carolina Department of Revenue, License and Excise Tax Division, P.O. Box 25000, Raleigh, NC 27640, or call (919) 733-3673.

## INVESTIGATIVE PROCESS

Under G.S. § 90-270.1, the North Carolina Psychology Board is charged with the responsibility “. . . to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.” To fulfill this responsibility, the Board must investigate complaints filed against its licensees. The Board provides the following information in order to help clarify what occurs in the process of an investigation.

### How are complaints filed with the Board?

Normally, complaints are received in the Board's office on the Board's Complaint/Inquiry Form, and many times, they have additional information attached. The Board also has the authority to initiate an investigation *sua sponte* (i.e., on its own initiative without an outside complaint). This latter process is likely to occur when the complaint information is in the public domain (a newspaper article, yellow pages listing or other public document or statement).

### How is it determined which complaints will be investigated by the Board?

There are two basic criteria used to determine whether to investigate a complaint. The first is whether the Board has authority with regard to the matter presented in the complaint. If it is determined by staff review that the Board has authority in the matter (the subject of the complaint is a psychologist licensed by the Board and/or the complaint relates to the practice of psychology), then the second criterion used is whether the complaint has merit on its face. If both criteria are met, the complaint is investigated.

### Who investigates complaints filed with the Board?

Following a preliminary review by the Executive Director, the complaint is assigned to a Staff Psychologist/Investigator. Prior to making the assignment, the Executive Director sometimes will review the complaint issues with an investigator, and assignment to a specific investigator is made on the basis of such factors as: the investigator's current work load; the investigator's background and training in psychology; and geographical location.

### How is a complaint investigated?

While the Board has given general direction for investigation of complaints, the investigator is responsible for determining the specific manner in which to proceed to investigate an individual complaint. The investigator may also consult with the Board's Executive Director, attorney, and/or other investigator to discuss this process. The investigator may decide to gather additional information prior to contacting the respondent psychologist, but normally, an order for a response to the complaint and for the production of patient records, as appropriate, is sent to the respondent shortly after receipt of the complaint by the Board's office. The order is sent by the Executive Director and signed by the Board's Chair. The respondent psychologist is usually provided a 30-day period in which to respond. Following receipt of the required materials from the respondent, the investigator reviews the response and records. Some cases are processed by reviewing only written information; other cases require additional information to be gathered in the form of telephone or face-to-face interviews of the complainant, respondent, and witnesses. The length of time required to resolve a complaint depends upon the nature of the complaint and its complexity. In many cases, the process of a complaint's resolution will encompass a period of several months at minimum.

### What happens when an investigation is completed?

Following completion of the investigation, the investigator writes a summary report of the investigative findings in a format established by the Board which includes the following: (1) psychologist's specialty area and number of years licensed in the State; (2) descriptive information of the complainant; (3) date complaint received; (4) period of service to the complainant; (5) brief description of what the complainant alleges; (6) applicable statutory provisions and ethical standards; (7) what the investigation involved and the persons contacted for information; and (8) findings. Names of the respondent and the complainant and other individuals contacted during the investigation are excluded from this report.

### Who reviews the investigator's summary report and what happens once it is reviewed?

The investigator's summary report is presented to a Probable Cause Committee of the Board which determines whether there is probable cause to believe that a legal and/or ethical violation(s) has occurred. This Committee is currently comprised of the Board's two Staff Psychologists who serve as the Investigators, a Board member, and the Executive Director. The Board's attorney also meets with and provides advice to this Committee. Following review of the report, the Committee will determine whether there is probable cause to believe that either an ethical or legal violation(s) occurred in the matter.

Cases for which the Committee determines that there is no probable cause of a violation(s) are presented to the Board at its next regularly scheduled meeting. Following discussion of the case, if the Board concurs with the Committee, it will close the case. In some cases, however, the Board may determine that while no ethical or legal violation appears to have occurred, it has concerns about the actions or conduct of the respondent, which warrant educative information to be sent to the respondent. In these cases, the Board instructs the staff to issue an educative letter that is sent to the respondent and closes the case.

For cases for which the Committee determines that there is probable cause to believe that a violation has occurred, the staff is instructed to issue a statement of charges. The only information provided to the full Board at its next regularly scheduled meeting is that there is probable cause to issue a statement of charges. No other information about these cases is provided to the Board.

In a statement of charges, the allegations are clearly set forth, and the statutes and ethical standards which the licensee is alleged to have violated are listed. However, the information that the Committee has received does not in itself provide sufficient evidence that the alleged acts have occurred. The respondent is offered the opportunity for a hearing in the matter. If requested by the licensee, a hearing is scheduled at a later date. If a hearing is not requested, the Board may schedule and hold a hearing in the respondent's absence, or the Board may proceed to consider the charges and impose disciplinary or remedial action as it considers appropriate at its next regularly scheduled meeting following termination of the period of time in which the respondent is given to request a hearing.

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