

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 331 Department or Agency Alabama Board of Examiners in Psychology  
Rule No. 750-X-5A

Rule Title: Alabama Psychology Professionals Wellness Committee  
X New          Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?         Yes        

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?         Yes        

Is there another, less restrictive method of regulation available that could adequately protect the public?         No        

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?         No        

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?         N/A        

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?         Yes        

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?         No        

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Does the proposed rule have an economic impact?         No        

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer         *Justin Hall*        

Date         09/20/2021        

(DATE FILED)  
(STAMP)

**Alabama Board of Examiners in  
Psychology**

**NOTICE OF INTENDED ACTION**

AGENCY NAME:

Alabama Board of Examiners in Psychology

RULE NO. & TITLE:

New Chapter 750-X-5A **ALABAMA PSYCHOLOGY PROFESSIONALS WELLNESS COMMITTEE**

INTENDED ACTION:

The Board intends to add a new Chapter to its Administrative Code for the Alabama Psychology Professionals Wellness Committee.

SUBSTANCE OF PROPOSED ACTION: Chapter 750-X-5A will provide definitions

for the Alabama Psychology Professionals Wellness Committee, detail the establishment of the Committee, address the disposition of records created by the Committee, and the status of funds collected by or expended by the Committee.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit

written comments, and if requested in advance may personally appear before the Board by submitting a request to appear, to: **Lori H. Rall, Executive Director, 100 North Union Street, Suite 880, Montgomery, Alabama 36104, Phone: (334) 242-4127.** To be considered by the Board, written comments must be received in the Board office no later than two (2) days before the next regularly scheduled Board meeting on November 12, 2021, to wit: not later than November 10, 2021. Persons desiring to orally express their views before the Board must first submit their comments in writing as stated above, and shall be limited to ten (10) minutes per person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 10, 2021

CONTACT PERSON AT AGENCY:

Lori H. Rall, Executive Director  
100 North Union Street  
Suite 880  
Montgomery, Alabama 36104  
Phone: (334) 242-4127



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(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY  
ADMINISTRATIVE CODE

CHAPTER 750-X-5A  
ALABAMA PSYCHOLOGY PROFESSIONALS WELLNESS  
COMMITTEE

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750-X-5A-.01            **Definitions.**

(1)       As used in this section, the following words have the following meanings:

(a)       COMMITTEE. The Alabama Psychology Professionals Wellness Committee created under this section.

(b)       IMPAIRED or IMPAIRMENT. The inability of a licensed psychologist or licensed psychological technician to practice with reasonable skill and safety by reason of illness, inebriation, substance dependence, excessive use of drugs, narcotics, controlled substances, alcohol, chemicals, or other dependence forming substances, or as a result of any physical or mental condition rendering the licensee unable to meet the standards of his or her profession.

(c)       LICENSEE. A professional psychologist or psychological technician licensed under this chapter.

**Author:** Edwin W. Cook, III, Ph.D., Brice Johnston, and Lori H. Rall

**Statutory Authority:** Code of Ala. 1975, §34-26-1, et seq.

**History:** New rule filed September 20, 2021; effective MONTH DAY, 2021.

750-X-5A-.02

**The Alabama Psychology Professionals Wellness Committee, Established.**

(1) To promote the early identification, treatment, and rehabilitation of any licensee who may be impaired, there is established the Alabama Psychology Professionals Wellness Committee, effective January 1, 2022, comprised of not less than three (3) nor more than nine (9) voting members, who shall be appointed by, but shall not be members of, the Board. The committee shall consist of residents of the State of Alabama and shall reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. Members shall be licensed psychologists or psychological technicians whose Alabama licenses are active and in good standing. If individual members are also licensed, or certified, as psychology professionals in any other jurisdiction(s), or province(s), those licenses should also be active and in good standing at the time of appointment and throughout the term.

(a) One (1) additional member shall be a licensed Alabama psychologist and/or psychological technician member of the Board who is designated to serve as the Board's non-voting representative to the Committee.

(b) One (1) additional member shall be a non-voting, ex officio representative of the contractor described in subsection (2).

(c) Each committee appointment will be for a term of (3) years and may be extended for three (3) years, for a maximum six (6) year term limit.

(d) Notwithstanding the preceding section (c), the initial terms of committee members will be staggered to allow for proper rotation as follows:

(i) The first chair of the committee will be appointed for a three-year term;

(ii) The next member of the committee will be appointed for a two-year term;

(iii) The next member of the committee will be appointed for a one-year term;

(iv) To the extent additional members are added to the initial committee, the term lengths in one-year to three-years will be repeated.

(e) For incomplete terms, the Board will appoint a replacement who will finish the unexpired term, and who will then be eligible for one (1) additional three- year term.

(f) Quorum shall be determined by a majority of voting members. In the event of a tie vote, the Board's designee may vote and break the tie.

(2) In order to assist the committee, the Board shall contract with a nonprofit organization, health professional, or professional association to undertake functions and responsibilities including, but not limited to:

- (a) Receiving and evaluating reports of suspected impairment from any source.
- (b) Intervening in cases of verified impairment.
- (c) Establishing a treatment and monitoring contract between the committee and an impaired licensee.
- (d) Contracting with providers of treatment programs.
- (e) Referring impaired licensees to treatment programs.
- (f) Monitoring the treatment and rehabilitation of impaired licensees.
- (g) Providing post-treatment monitoring and support of rehabilitated impaired licensees.

(3) The committee shall report quarterly statistical information to the Board regarding the committee's activity, which may include, but not be limited to,

- (a) The number of reports made.
- (b) The number of investigations conducted.
- (c) The disposition of each report or investigation.

(4) The committee shall report annually to the Board concerning the operations and proceedings of the committee for the preceding year.

(5) The committee shall report to the Board the following:

(a) Any licensee who, in the opinion of the committee, is unable to practice as a psychologist or as a psychological technician with reasonable skill and safety by reason of impairment.

(b) Any licensee who, in the opinion of the committee, is in need of intervention, treatment, or rehabilitation and who has failed or refused to participate in programs of treatment or rehabilitation recommended by the committee.

(6) If the Board has reasonable cause to believe that a licensee is impaired, the Board may require that an evaluation of the licensee be conducted by a designee of the committee for the purposes of determining whether an impairment exists. The committee shall report the findings of its evaluation to the Board.

(7) The Board's executive and/or other clerical staff, investigators, or assistants may assist the committee as might be necessary to carry out the business of the committee.

(8) The authority of the committee shall not supersede the authority of the Board to take disciplinary action against a licensee. Nothing in this section shall limit the authority of the Board to discipline an impaired licensee. If a licensee is impaired and currently in need of intervention, treatment, or rehabilitation, and the licensee is currently participating in a program or rehabilitation recommendation by the committee, then the Board may refrain from taking or continuing disciplinary action against the licensee. If the Board, upon reasonable cause to believe a licensee is impaired, has referred the licensee to committee for evaluation, then the Board may refrain from taking or continuing disciplinary action against the licensee.

(9) A report of the committee shall be deemed to be a report to the Board for the purposes of any mandated reporting or professional psychology impairment otherwise required by law.

**Author:** Edwin W. Cook, III, Ph.D., Brice Johnston, and Lori H. Rall

**Statutory Authority:** Code of Ala. 1975, §34-26-1, et seq.

**History:** New rule filed September 20, 2021; effective MONTH DAY, 2021.

## 750-X-5A-.03

**Disposition of Records Created By The Alabama Psychology Professionals Wellness Committee.**

(1)(a) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the committee and any findings, conclusions, recommendations, or reports resulting from any investigation, intervention, treatment, or rehabilitation, or other proceedings of the committee are confidential. All records and proceedings of the committee pertaining to an impaired licensee are confidential and may only be used by the committee and the members of the committee, and are not public records nor available for court subpoena or for discovery proceedings. The committee may not disclose any personally identifiable information except as otherwise allowed under this chapter.

(b) In the event of a breach of contract between the committee and an impaired licensee, all records pertaining to the conduct determined to cause breach of contract shall be disclosed to the Board, upon its request, for disciplinary purposes only.

(c) This subsection does not apply to records made in the regular course of business of a licensee, and information, documents, or records otherwise available from original sources may not be construed as immune from discovery or used in any civil proceeding merely because they were presented or considered during the proceedings of the committee.

**Author:** Edwin W. Cook, III, Ph.D., Brice Johnston, and Lori H. Rall

**Statutory Authority:** Code of Ala. 1975, §34-26-1, et seq.

**History:** New rule filed September 20, 2021; effective MONTH DAY, 2021.

## 750-X-5A-.04

**Funds.**

The Board may collect funds or expend available funds to adequately provide for the operational expenses of the committee, including, but not limited to, the actual cost of travel, office overhead, personnel expenses, and compensation for the members of the committee and committee staff. The operational expenses of the committee may not include the cost of treatment or rehabilitation programs recommended by the committee to individual licensees. The funds provided by the Board under this section shall not be subject to any competitive bidding law.

**Author:** Edwin W. Cook, III, Ph.D., Brice Johnston, and Lori H. Rall

**Statutory Authority:** Code of Ala. 1975, §34-26-1, et seq.

**History:** New rule filed September 20, 2021; effective MONTH DAY, 2021.