

**WILL BARFOOT**

State Senator District 25  
11 South Union Street, Suite 730  
Montgomery, Alabama 36130  
Telephone: (334) 261-0895  
Email: will.barfoot@alsenate.gov

**ALABAMA STATE SENATE**

11 SOUTH UNION STREET, 7TH FLOOR  
MONTGOMERY, ALABAMA 36130-4600

**COMMITTEES:**

Judiciary-Chair  
Agriculture, Conservation, & Forestry  
Banking & Insurance  
Transportation & Energy  
Veterans, Military Affairs, & Public  
Safety

**MEMORANDUM**

TO: Psychology Board

FROM: Senator Will Barfoot  
Co-Chairman, Joint Interim Sunset Committee

DATE: May 18, 2023

SUBJECT: Notice of Meeting

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Pursuant to Section 41-20-1 through 41-20-16, Code of Alabama, 1975, the **Psychology Board** has been scheduled to appear before the Joint Interim Sunset Committee. The hearing will be held on **Thursday, July 20, 2023, at 9:00am, on the 8<sup>th</sup> floor, Room 825 of the Alabama State House**. Please arrive 15 minutes prior to your allotted time.

Please notify all Board members and other interested parties that they should be present at this meeting. Be prepared to address the committee and answer any questions regarding the Review of Operations performed by the Examiners of Public Accounts.

**The Joint Interim Sunset Committee encourages the Board to post this notice on its website and/or notify licensees by email.**

If you have any questions, please contact Holly Ogden at 334-261-0826 or [holly.ogden@alsenate.gov](mailto:holly.ogden@alsenate.gov)

Report on the

**Board of Examiners in Psychology  
State of Alabama  
Montgomery, Alabama**

**October 1, 2018 through September 30, 2020**

**Filed: June 18, 2021**



**Department of  
Examiners of Public Accounts**

**401 Adams Avenue, Suite 280  
Montgomery, Alabama 36104-4338  
P.O. Box 302251  
Montgomery, Alabama 36130-2251  
Website: [www.examiners.alabama.gov](http://www.examiners.alabama.gov)**

*Rachel Laurie Riddle, Chief Examiner*



Rachel Laurie Riddle  
*Chief Examiner*

**State of Alabama**  
Department of  
**Examiners of Public Accounts**

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Honorable Rachel Laurie Riddle  
Chief Examiner of Public Accounts  
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Alabama Board of Examiners in Psychology, Montgomery, Alabama, for the period October 1, 2018 through September 30, 2020. Under the authority of the *Code of Alabama 1975*, Section 41-5A-19, I hereby swear to and submit this report to you on the results of the examination.

Respectfully submitted,

Charles Bass  
Examiner of Public Accounts

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Department of  
**Examiners of Public Accounts**

**SUMMARY**

**Board of Examiners in Psychology  
October 1, 2018 through September 30, 2020**

The Board of Examiners in Psychology (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-26-1 through 34-26-66. The Board licenses and regulates the practice of psychology in Alabama.

This report presents the results of an examination of the Board and a review of the Board’s compliance with applicable laws and regulations of the State of Alabama. This examination was conducted in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12. Our examination was performed for the purpose of determining whether the public officers, agents, and employees of the Board properly and lawfully accounted for all money and other public assets or resources received, disbursed, or in the custody of the Board. Our examination included determining compliance by the Board with state laws and regulations that pertain to financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures, and meetings. As a part of our examination, we also reviewed internal control policies and procedures relating to the areas listed above. Our examination did not encompass managerial and operational matters, such as whether the Board accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner.

**FINDINGS**

The following instances of noncompliance with State laws and regulations and other matters were found during the examination, as shown on the Schedule of State Legal Compliance and Other Findings and they are summarized below.

- ◆ 2020-001 Relates to the Board not verifying an employee’s employment eligibility, and not verifying an employee’s eligibility through E-Verify in a timely manner.
- ◆ 2020-002 Relates to the Board not notifying the Secretary of State of Board member vacancies.

**EXIT CONFERENCE**

Board members and the Executive Director were invited to an exit conference held on May 26, 2021. Individuals in attendance were: Lori H. Rall, Executive Director, and Lauren Benson, Administrative Assistant, along with Maria L. Catledge and Charles Bass from the Department of Examiners of Public Accounts.



Department of  
**Examiners of Public Accounts**

**COMMENTS**

**Board of Examiners in Psychology  
October 1, 2018 through September 30, 2020**

The Board of Examiners in Psychology (the "Board") licenses and regulates the practice of psychology in Alabama and operates under authority of the *Code of Alabama 1975*, Sections 34-26-1 through 34-26-66. The Board examines, licenses and regulates psychologists and psychological technicians.

The Board consists of eight members appointed by the Governor to serve five-year, staggered terms. The eight members include six licensed psychologists, one licensed psychological technician and one member from the general public. One licensed psychologist must also be a member of the faculty, with the rank of assistant professor or higher, at an accredited state college or university and be primarily engaged in teaching, research, or administration of psychology.

The Board employs an executive director to accomplish its administrative duties.

The Board's operating funds consist of licensing fees collected and deposited into Special Revenue Fund 0406 maintained in the State Treasury. The Board retains amounts remaining in the fund at year-end.

The Board owned nonconsumable personal property consisting of office furniture, computers and equipment. A comparison was done of nonconsumable personal property in the custody of the Board with property records maintained by the Property Inventory Division of the State Auditor's Office. No discrepancies were noted.

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*Schedule of State Legal  
Compliance and Other Findings*



***Schedule of State Legal Compliance and Other Findings***  
***For the Examination Period Ended September 30, 2020***

Ref. No.	Finding/Noncompliance
2020-001	<p><b><u>Finding:</u></b>  The Board did not verify one employee’s employment eligibility through E-Verify, and the Board verified one employee’s employment eligibility one hundred eighty-one business days after the employee started work. As a result of the Board not verifying an employee’s employment eligibility through E-Verify within 3 days of starting work, the Board could hire and employ an unauthorized alien.</p> <p>The <i>Code of Alabama 1975</i>, Section 31-13-15 (a) states, “No business entity, employer, or public employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Alabama.”</p> <p>The <i>Code of Alabama 1975</i>, Section 31-13-15 (b) states, “Effective April 1, 2012, every business entity or employer in this state shall enroll in E-Verify and thereafter, according to the federal statutes and regulations governing E-Verify, shall verify employment eligibility of the employee through E-Verify.”</p> <p>Furthermore, the <i>E-Verify User Manual</i>, Section 2.2 states, “E-Verify cases must be created no later than the third business day after the employee starts work for pay.”</p> <p><b><u>Recommendation:</u></b>  The Board should verify all new employees through E-Verify within three business days of the employee's first day of employment.</p>
2020-002	<p><b><u>Finding:</u></b>  The Board did not submit vacancy notices to the Secretary of State for four members whose terms expired January 15, 2020 and for one member whose term expired January 15, 2019, as required by the <i>Code of Alabama 1975</i>, Section 36-14-17(d)(1). As a result, interested candidates were not given sufficient notice of upcoming board appointments.</p> <p>The <i>Code of Alabama 1975</i>, Section 36-14-17(d)(1) states, “The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days <i>before</i> the vacancy occurs.”</p> <p><b><u>Recommendation:</u></b>  The Board should notify the Secretary of State of vacancies at least 45 days before the vacancies occur.</p>

***Schedule of Cash Receipts, Disbursements and Balances***  
***For the Period October 1, 2018 through September 30, 2020***

	<b>2019-2020</b>	<b>2018-2019</b>
<b><u>Receipts</u></b>		
Licensee Fees	\$ 284,031.00	\$ 287,096.00
Publications	12.00	
Total	<u>284,043.00</u>	<u>287,096.00</u>
<b><u>Disbursements</u></b>		
Personnel Costs	111,070.32	93,678.82
Employee Benefits	45,693.91	37,003.03
Travel, In-State	3,514.82	6,156.33
Travel, Out-of-State	1,329.44	1,102.32
Repair and Maintenance	690.06	1,277.36
Rentals and Leases	31,888.81	31,179.12
Utilities and Communication	7,132.88	8,523.20
Professional Services	74,910.09	71,430.57
Supplies, Materials, and Operating Expenses	7,702.31	7,412.78
Grants and Benefits	100.00	
Other Equipment Purchases	134.00	50.00
Total	<u>284,166.64</u>	<u>257,813.53</u>
Excess (Deficiency) of Receipts Over Disbursements	(123.64)	29,282.47
Cash Balances at Beginning of Year	<u>460,342.13</u>	<u>431,059.66</u>
Cash Balances at End of Year	460,218.49	460,342.13
Reserve for Unpaid Obligations	<u>(23,132.31)</u>	<u>(30,632.29)</u>
Available Cash Balances at Year-End	<u>\$ 437,086.18</u>	<u>\$ 429,709.84</u>

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***Board Members and Official***  
***October 1, 2018 through September 30, 2020***

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<b>Board Members</b>		<b>Term Expires</b>
Hon. Catalina M. Arata, Ph.D.	Chairman	2020
Hon. Kristi Ann Miller, M.S.	Member	2020
Hon. Nancy Berland, Ph.D.	Member	2025
Hon. Edwin Cook, III, Ph.D.	Member	2024
Hon. Eliza M. Belle, Ph.D.	Member	2023
Hon. Mary Ann Bowers, Ph.D.	Member	2022
Hon. Joseph D. Ackerson, Ph.D.	Member	2021
Hon. Carol P. Walker, Ph.D.	Member	2019
Hon. Kristin R. Tubre, Psy.D.	Member	2020
Hon. La'Shonda A. Moore, DPM	Member	2020

**Official**

Lori H. Rall

Executive Director  
100 N. Union St. Ste. 880  
Montgomery, AL 36104  
Website:  
[www.psychology.alabama.gov](http://www.psychology.alabama.gov)  
Phone: (334) 242-4127  
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Report on the  
**Board of Examiners in Psychology**  
Montgomery, Alabama



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**State of Alabama**  
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**Examiners of Public Accounts**

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June 19, 2019

Senator Clyde Chambliss  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Senator Chambliss,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Examiners in Psychology in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Examiners in Psychology, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle  
Chief Examiner

**Examiner**  
Charles Bass

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# **PROFILE**

## **Purpose/Authority**

The Board of Examiners in Psychology was created by Act No. 535, Acts of Alabama 1963, to regulate the practice of the psychology profession in Alabama. The Board examines, licenses and regulates persons who hold themselves out to be psychologists or psychological technicians. Current statutory authority for the Board is the *Code of Alabama 1975*, Sections 34-26-1 through 34-26-3; 34-26-20 through 34-26-23; 34-26-40 through 34-26-48; and 34-26-60 through 34-26-66.

The following legislation was passed since the last Sunset Review of the Board:

Act No. 65, Acts of Alabama 2016 – to continue the existence and functioning of the State Board of Examiners in Psychology until October 1, 2020 and modified Section 34-26-21 to require diversity in the membership of the Board. The act is included in the codification included in the appendix of this report

Act No. 416, Acts of Alabama 2016 – to amend sections 34-26-21, 34-26-41, -34-26-43.1, 34-26-62, 34-26-65, and 34-26-66; to clarify the number and qualifications of the members of the Board, to further specify the procedure for a licensee request to be placed on inactive status and to authorize the Board to charge an inactive fee; to require criminal background checks and to remove obsolete language. The Act also repealed section 34-26-20. The act is included in the codification included in the appendix of this report.

<b><u>Characteristics</u></b>	
<b>Members and Selection</b>	<p>Eight members, appointed by the Governor as follows:</p> <ul style="list-style-type: none"><li>• Five licensed psychologists chosen from a list of two nominees provided by the executive committee of the Alabama Psychological Association, or its successor organization.</li><li>• One member of the faculty from an accredited college or university in the state.</li><li>• One psychological technician chosen from a list of two nominees submitted by the Alabama Psychological Association, or its successor organization.</li><li>• One member appointed from the general public.</li></ul> <p><i>Code of Alabama 1975</i>, Section 34-26-21</p>

<b>Term</b>	Five year staggered terms. Board members shall not serve more than two consecutive terms of office.  <i>Code of Alabama 1975</i> , Section 34-26-21(a)(3)
<b>Qualifications</b>	<ul style="list-style-type: none"> <li>• Resident of the state</li> <li>• Psychologist and psychologist technician members must be licensed by the board.</li> <li>• The faculty member must have the rank of assistant professor or above who is primarily engaged in teaching, research, or administration of psychology and is a licensed psychologist.</li> <li>• General public member, who is not licensed by the board, and whose spouse, if married, is not licensed by the board.</li> </ul> <i>Code of Alabama 1975</i> , Section 34-26-21
<b>Consumer Representation</b>	One member from the general public.  One member serving.  <i>Code of Alabama 1975</i> , Section 34-26-21(a)(1)(d)
<b>Racial Representation</b>	No specific statutory requirement.  Three minority members serving
<b>Geographical Representation</b>	No statutory requirement.
<b>Other Representation</b>	Inclusive and reflect the racial, gender, geographic, urban, rural, and economic diversity of the state.  <i>Code of Alabama 1975</i> , Section 34-26-21(a)(1)
<b>Compensation</b>	No compensation. Each member receives the same per diem and travel allowance paid to state employees for each day's attendance at an official meeting of the Board.  <i>Code of Alabama 1975</i> , Section 34-26-21(f)
<b>Attended Board Member Training</b>	None.



<b><u>Operations</u></b>	
<b>Administrator</b>	Lori Rall, Executive Director Appointed by the Board Current Annual Salary- \$67,660.80 Salary set by the Board subject to approval by the State Personnel Department.
<b>Location</b>	100 North Union Street Suite 880 Montgomery, Alabama 36104 Office Hours: M - F 8-5
<b>Employees</b>	Two
<b>Legal Counsel</b>	Brice M. Johnston, Deputy Attorney General, private attorney under contract with the Board.
<b>Subpoena Power</b>	Yes, the Board may administer oaths, summon witnesses and take testimony in all matters relating to its duties.  <i>Code of Alabama 1975</i> , Section 34-26-22(a)
<b>Internet Presence</b>	<a href="http://psychology.alabama.gov/default.aspx">http://psychology.alabama.gov/default.aspx</a> <ul style="list-style-type: none"> <li>• List of Fees</li> <li>• Board Newsletter</li> <li>• Licensee search/Verification</li> <li>• Emergency practice in response to a declared disaster</li> <li>• Complaint form</li> <li>• Complaint procedures</li> <li>• Statutory Law</li> <li>• Administrative Code</li> <li>• Information for licensee applicants</li> <li>• Contact information</li> <li>• List of Board members and administrative staff</li> <li>• Licensee renewal form</li> <li>• Continuing education form</li> <li>• Frequently Asked Questions</li> </ul>

<b><u>Financial</u></b>							
<b>Source of Funds</b>	Licensing fees, fines, and penalties						
<b>State Treasury</b>	Yes, Special Revenue Fund 0406.  <i>Code of Alabama 1975</i> , Sections 34-26-43						
<b>Required Distributions</b>	None						
<b>Unused Funds</b>	The Board retains unused fund balances for subsequent years' expenditures.  <i>Code of Alabama 1975</i> , Sections 34-26-43						
<b><u>Licensee Information</u></b>							
<b>Licensees</b>	As of December 10, 2018  <table style="margin-left: 40px;"> <tr> <td>Psychologist</td> <td style="text-align: right;">1,102</td> </tr> <tr> <td>Psychologist Technician</td> <td style="text-align: right;"><u>27</u></td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>1,129</b></td> </tr> </table> <i>Source:</i> Executive Director	Psychologist	1,102	Psychologist Technician	<u>27</u>	<b>Total</b>	<b>1,129</b>
Psychologist	1,102						
Psychologist Technician	<u>27</u>						
<b>Total</b>	<b>1,129</b>						
<b>Qualifications</b>	<ul style="list-style-type: none"> <li>• At least 19 years of age</li> <li>• <b>Psychologist</b> - Doctorate degree from a department of, or school of, psychology, from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards. <b>Psychologist Technician</b> – Master's degree in psychology from a regionally accredited institution of higher education, or has completed the equivalent of a master's degree from an American Psychological Association accredited doctoral program in psychology.</li> <li>• Pass examinations, written or oral, or both, as the Board will prescribe.</li> <li>• Has not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association.</li> <li>• Has not within the preceding six months failed an examination given by the Board.</li> </ul> <i>Code of Alabama 1975</i> , Section 34-26-41						

**Examinations**

The Examination for the Professional Practice in Psychology (EPPP) is developed by the Association of State and Provincial Psychology Boards. Examination fee for the EPPP goes directly to the association.

The computerized examination is administered by Pearson VUE testing centers in Birmingham, Decatur, Dothan, Mobile and Montgomery.

<b>Psychologists</b>			
<b>Fiscal Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>
2015	51	36	71%
2016	37	29	78%
2017	26	23	89%
2018	27	20	74%

<b>Psychology Technicians</b>			
<b>Fiscal Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>
2015	3	3	100%
2016	1	1	100%
2017	2	2	100%
2018	0	0	N/A

Pass/Fail rates for graduates of Alabama institutions of higher education were not available.

In addition to the EPPP the Board administers the Professional Standards Examination (PSE) which covers knowledge of (1) the American Psychological Association Ethical Principles of Psychologists and Code of Conduct, (2) General Guidelines for Providers of Psychological Services, and (3) the Alabama Psychology law. Examination fee for the PSE goes directly to the Board.

<b>Professional Standards Examination</b>			
<b>Fiscal Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>
2015	26	25	96%
2016	22	22	100%
2017	26	26	100%
2018	28	28	100%

*Code of Alabama 1975*, Section 34-26-41

*Source:* Administrative Assistant

<b>Reciprocity</b>	<p>The Board may issue a license to any person who is a licensed psychologist of another state, and who applies to the Board, provided the licensee of another state shall furnish the Board with evidence of meeting the list of requirements as established in the Board's statutes.</p> <p>The Board does not have reciprocal agreements with other states.</p> <p><i>Code of Alabama 1975</i>, Section 34-26-41(c)</p>
<b>Renewals</b>	<p>Psychology licenses expire on October 15 annually. No grace period.</p> <p><i>Code of Alabama 1975</i>, Section 34-26-22(b) <i>Administrative Rule</i> 750-X-4-.01</p>
<b>Licensee Demographics</b>	<p>Data not collected by agency.</p> <p><i>Source:</i> Executive Director</p>
<b>Continuing Education</b>	<p>Psychologists - 20 hours per year. Psychological technicians - 10 hours per year.</p> <p><i>Code of Alabama 1975</i>, Section 34-26-22(c) <i>Administrative Rule</i> 750-X-3A-.03</p>

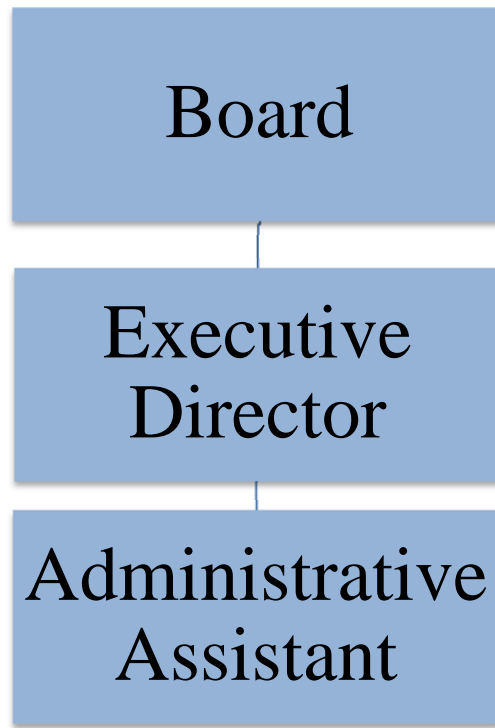
## **SIGNIFICANT ISSUES**

No current significant issues.

## **STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES**

All prior findings/significant issues have been resolved

## ORGANIZATION



## PERSONNEL

<b>Schedule of Employees</b>			
<b>By Merit System Classification/Sex/Race</b>			
<b>Classification</b>	<b>#</b>	<b>White/Female</b>	<b>Salary</b>
Executive Director - Unclassified	1	1	\$ 67,660.80
Administrative Assistant - Exempt	1	1	36,657.60
<b>Total</b>	<b>2</b>	<b>2</b>	

### Legal Counsel

The Board contracts with Brice M. Johnston, a private attorney, to provide legal services at the rate of \$150.00 per hour, not to exceed \$156,000.00 for the contract period of December 2, 2017 through December 1, 2019.

## **PERFORMANCE CHARACTERISTICS**

**Number of Licensees per Employee as of September 30, 2018** – 565

**Number of Persons per Licensee in Alabama and Surrounding States**

	<b>Population (estimate)*</b>	<b>Number of Licensees</b>	<b>Persons Per Licensee</b>
<b>Alabama</b>	<b>4,888,949</b>	<b>1,129</b>	<b>4,330</b>
Florida	21,312,211	5,513	3,866
Georgia	10,545,138	2,517	4,190
Mississippi	2,982,785	422	7,068
Tennessee	6,782,564	1,830	3,706
<b>*Source:</b> U.S. Census, July 1, 2018 Population Estimates			

**Operating Disbursements per Licensee FY 2018** - \$214.69

**Fines/Penalties as a Percentage of Operating Receipts**

	<b>FY 2018</b>	<b>FY 2017</b>	<b>FY 2016</b>	<b>FY 2015</b>
Total Receipts less Fines	\$323,051.00	\$272,247.50	\$255,834.25	\$227,522.89
Total Fines	7,000.00	1,250.00	4,500.00	4,000.00
<b>Percentage</b>	<b>2.17%</b>	<b>0.46%</b>	<b>1.76%</b>	<b>1.76%</b>

**Notification of Board decisions to Amend Administrative Rules**

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are notified of proposed changes via e-mail.

## **COMPLAINT HANDLING**

The *Code of Alabama 1975*, Section 34-26-46 through 34-26-48 and *Administrative Rule* 750-X-5-.03 provide procedures for receipt, documentation and investigation of complaints against licensees and disciplinary actions.

<b>Initial Contact/Documentation</b>	Complaints must be in writing, signed by the complainant and notarized. Upon inquiry, a complaint form may be mailed to the complainant or printed from the Board's website. The form can be returned to the Board by regular mail. Recipients of services or other licensed psychologists may file a complaint. The
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	complainant is notified of the receipt of the complaint. The complaint form is date-stamped upon receipt.
<b>Anonymous Complaints</b>	The Board does not accept anonymous complaints.
<b>Investigative Process / Probable Cause Determination</b>	The executive officer appoints a Board member or members to serve along with the executive officer and legal counsel on an investigative committee. The executive officer and legal counsel are non-voting members of the committee. The Board may hire or use investigators. The licensee complained against is informed in writing as to the nature of the complaint and is given an opportunity to respond. Board members involved in the investigation do not vote on the disciplinary action to be taken.
<b>Negotiated Settlements</b>	Yes
<b>Notification of Resolution to the Complainant</b>	Any disciplinary action adjudged appropriate by the Board shall be forwarded via certified mail to the licensee and complainant within thirty days following the final order by the Board. The licensee's name will be included in the public cumulative list of disciplinary actions (maintained by the Board) and will be reported to the Association of State and Provincial Psychology Board's Disciplinary Data Bank and other regulatory agencies.

*Source:* Executive Director

<b>Schedule of Complaints Resolved Fiscal Year 2015 through Fiscal Year 2018</b>					
<b>Year/Number Received</b>	<b>Year/Number Resolved</b>				<b>Pending</b>
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018<sup>(1)</sup></b>	
2015 /11	6	4	1	-	-
2016/18		7	6	4	1
2017/15			8	7	0
2018/16				11	5
<sup>(1)</sup> As of 11/1/2018					
<i>Source:</i> Executive Director					

**Average Time to Resolve Complaints** – 177 business days

### Disposition of Resolved Complaints

# of Complaints	Resolution
44	No probable Cause
7	Probable Cause
2	Withdrawn
1	Court Order Issued

### REGULATION IN CONJUNCTION WITH OTHER ENTITIES

There is no direct shared regulation of psychologist with other entities.

### FINANCIAL INFORMATION

**Source of Funds** Licensing fees, fines, and penalties

**Fund** - The Board operates from Special Revenue Fund Number 0406, authorized by *Code of Alabama 1975*, Section 34-26-43. Year-end balances are retained for the Board's continuous use, subject to appropriation.

#### Schedule of Fees

The Board's fees are set in *Administrative Rule*, Appendix I.

FEE TYPE/PURPOSE	STATUTORY AUTHORITY	AMOUNT AUTHORIZED	AMOUNT COLLECTED
Psychologists Application Fee	34-26-43	Not to Exceed \$500.00	\$ 400.00
Psychological Technicians Application Fee	34-26-43	Not to Exceed \$500.00	260.00
Professional Standards Examination Fee	34-26-43.1	To be determined by the Board	50.00
Psychologists Renewal Fee	34-26-22(a) & (b)	Not to Exceed \$500.00	200.00
Psychological Technicians Renewal Fee	34-26-22(a) & (b)	Not to Exceed \$500.00	130.00



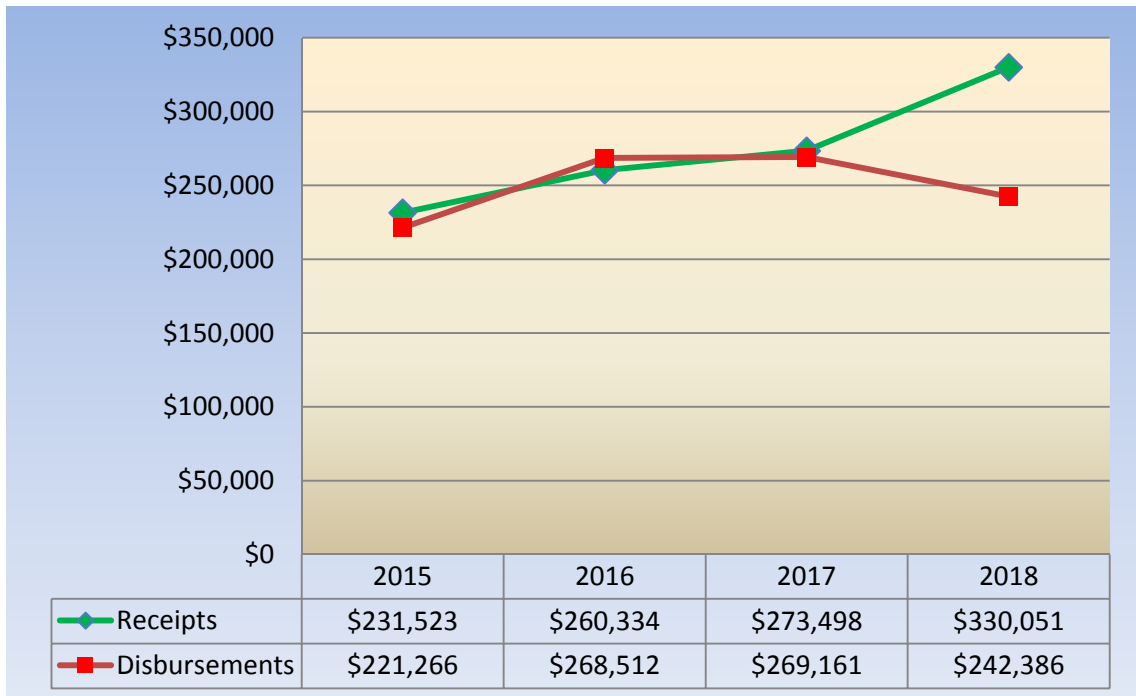
Late Penalty Fee	34-26-22(b)(d)	To be determined by the Board	\$ 20.00 per month
Inactive Status - Psychologist	34-26-41(i)	Not to Exceed \$500.00	50.00
Inactive Status – Psychological Technician	34-26-41(i)	Not to Exceed \$500.00	35.00
Continuing Education Fee	34-26-22(c)	Reasonable fee	50.00
Roster of Licensed Psychologists	34-26-22(a)	Nominal charge	12.00
Roster of Psychological Technicians	34-26-22(a)	Nominal charge	10.00
Replacement Certificate	N/A	Cost Recovery	15.00
Replacement Renewal Card	N/A	Cost Recovery	5.00
Rules and Regulations (Copy)	N/A	Cost Recovery	10.00
Bad Check Charge	8-8-15	Not to Exceed \$30.00	30.00

**Schedule of Receipts, Disbursements and Balances**

October 1, 2014 through September 30, 2018

	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>	<b>2014-15</b>
<b><u>Receipts</u></b>				
Licensure Fees	\$ 323,051.00	\$ 272,247.50	\$ 255,834.25	\$ 227,522.89
Fines	7,000.00	1,250.00	4,500.00	4,000.00
Total	<u>330,051.00</u>	<u>273,497.50</u>	<u>260,334.25</u>	<u>231,522.89</u>
<b><u>Disbursements</u></b>				
Personnel Costs	86,702.98	85,950.18	82,016.00	76,938.31
Employee Benefits	26,227.46	24,812.88	24,407.03	21,219.04
Travel, In-State	4,472.79	4,576.05	8,278.41	6,847.83
Travel, Out-of-State	4,422.49	5,631.86	3,661.26	1,005.22
Repairs & Maintenance	816.64	1,829.60	390.18	749.72
Rentals & Leases	31,306.23	23,892.28	11,773.92	11,773.92
Utilities & Communication	6,102.79	7,323.66	7,765.68	7,516.30
Professional Services	72,934.47	106,540.76	119,814.21	85,268.02
Supplies, Materials, & Operating Expenses	6,801.74	8,603.87	9,775.73	7,287.05
Other Equipment Purchases	2,598.03	-	629.99	2,660.72
Total	<u>242,385.62</u>	<u>269,161.14</u>	<u>268,512.41</u>	<u>221,266.13</u>
Excess (Deficiency) of Receipts over Disbursements	87,665.38	4,336.36	(8,178.16)	10,256.76
Cash Balance at Beginning of Year	<u>343,394.28</u>	<u>339,057.92</u>	<u>347,236.08</u>	<u>336,979.32</u>
Cash Balance at End of Year	431,059.66	343,394.28	339,057.92	347,236.08
Reserved for Unpaid Obligations	<u>(28,764.07)</u>	<u>(12,830.65)</u>	<u>(19,356.87)</u>	<u>(15,437.03)</u>
Unreserved Cash Balance at End of Year	<u>\$ 402,295.59</u>	<u>\$ 330,563.63</u>	<u>\$ 319,701.05</u>	<u>\$ 331,799.05</u>

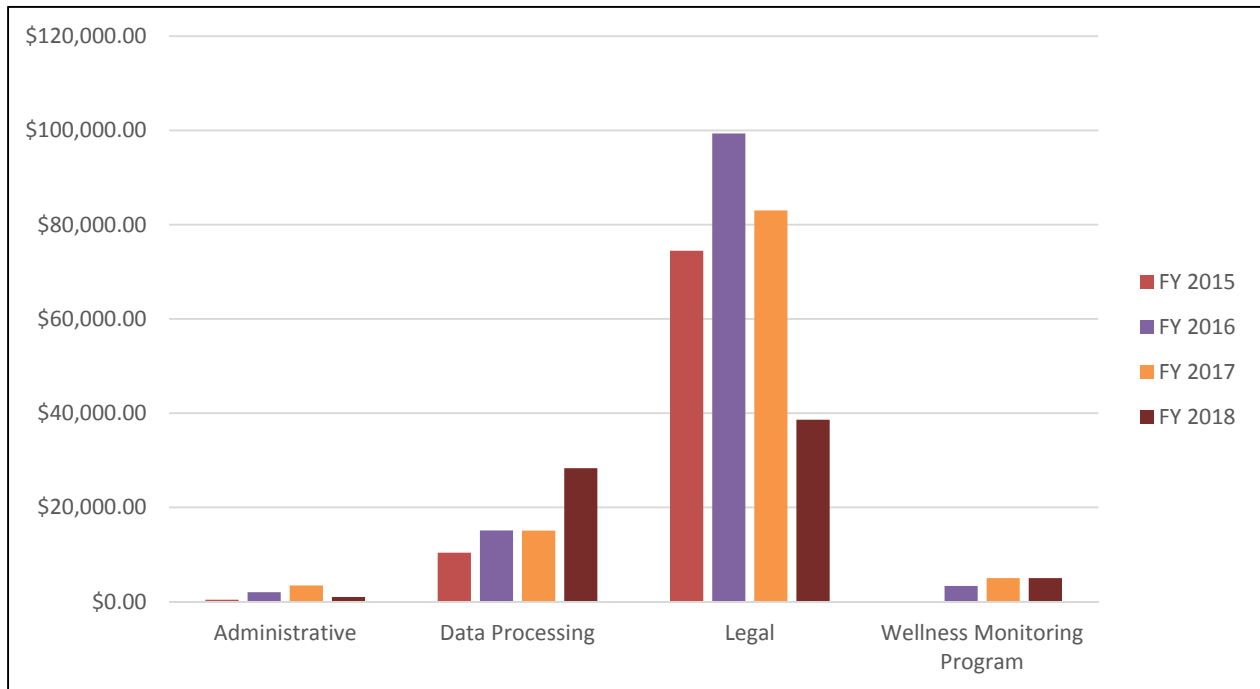
**Operating Receipts vs. Operating Disbursements (Chart)**



<b>SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*</b>				
As of September 30				
<b>Type of Service</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
Administrative	\$422.49	\$2,011.26	\$3,165.04	\$1,003.32
Data Processing	\$10,394.53	\$15,109.67	\$15,067.80	\$28,336.23
Legal	\$74,451.00	\$99,360.00	\$83,308.00	\$38,595.00
Wellness Monitoring Program	-	\$3,333.28	\$4,999.92	\$4,999.92
<b>Total</b>	<b>\$85,268.02</b>	<b>\$119,814.21</b>	<b>\$106,540.76</b>	<b>\$72,934.47</b>

\*Detailed information presented in the appendix

**Professional Service Disbursement Chart**



## QUESTIONNAIRES

### *Board Member Questionnaire*

A letter was sent to all eight members of the Alabama Board of Examiners in Psychology requesting participation in our survey. Five participated in the survey. The percentages, where shown, are based on the number who responded to the question.

#### **1. What are the most significant issues currently facing the Board of Psychology and how is the Board addressing these issues?**

**Board Member #1** - "Need for bill to pass legislature to allow us to provide a voluntary proactive Alcohol and Substance Abuse treatment diversion program for psychologists. We lobbied hard last year but it did not pass. Will need to try again this year. Also the License Marriage Family Therapists are trying on an annual basis to expand their law to include the practice of psychology. So far we have been able to convince the legislature this is bad for the public and encroaches on our ability to regulate the practice of psychology."

**Board Member #2** - "The most significant issue facing the board is providing qualified licensees for practice. The board reviews all applicants thoroughly to make sure they meet the criteria for licensure."

**Board Member #3** - "We were unable to secure passage of a bill for impaired psychologists. This bill had the full support of the professional association as well as the board. This was an issue that required significant resources and was not passed which is a waste of our resources."

**Board Member #4** - "Nothing that comes to mind that is of extreme importance."

**Board Member #5** - "Licensure of individuals from non-accredited programs/internships - we deal with it on a case by case basis, but sometimes applicants meet the criteria but training may not be adequate. 2. Board complaints regarding sexual misconduct."

#### **2. What changes, if any, to the Board's law are needed?**

**Board Member #1** - "See above. We need to offer the elective Alcohol and Substance Abuse program to limit the number of impaired psychologists that may be practicing."

**Board Member #2** - "Unknown"

**Board Member #3** - "We need to have the changes made for the impaired psychologists' program."

**Board Member #4** - "None at this time"

**Board Member #5** - "Difficult to regulate the practice of Psychology from other types of counseling - changes in wording to improve this"

*Board Member Questionnaire*

**3. Is the Board of Psychology adequately funded?**

Yes	3	60%
No	2	40%

**Board Member #3** - "For the most part; however, when there are needed changes in the law, the legislative process is expensive in terms of need for assistance in passing the law (lobbying costs for example) and additional funds are needed."

**4. Does the Board of Psychology receive regular reports on operations from the chief administrative officer?**

Yes	5	100%
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**5. Is the Board of Psychology adequately staffed?**

Yes	5	100%
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**6. Has the Board experienced any significant changes to its operations?**

**Board Member #1** - "No."

**Board Member #2** - "No."

**Board Member #3** - "No."

**Board Member #4** - "Not to my knowledge."

**Board Member #5** - "Moving to online C.E. submissions - this will change some of the operations."

**7. Does the Board plan any significant changes in its operations?**

**Board Member #1** - "In the process of converting to electronic filing/records keeping system which will make storage and operations far more efficient."

**Board Member #2** - "The board is working on online CEU submission."

**Board Member #3** - "None of which I am aware for the near future."

**Board Member #4** - "We are moving to a paperless application and renewal system."

**Board Member #5** - "Online CE submissions and record keeping."

**Licensee Questionnaire**

A letter was sent to one hundred licensees requesting their participation in our survey. Thirty-one participated in the survey. The percentages, where shown, are based on the number who responded to the question.

- 1. Do you think regulation of your profession by the Board of Psychology is necessary to protect the public welfare?**

Yes	31	100%
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- 2. Do you think *any* of the Board's requirements are irrelevant to the competent practice of your profession?**

Yes	5	16%
No	26	84%

**Respondent #5** – “I believe that their option of "Licensed Psychological Technician," which is a very expensive process is a very poor use of professionals. If someone can pass the national boards, has a practicum and internship from an accredited university, their scope of practice is pretty much limited to that of a B.S. I think they have "undone" themselves as LPC's and LCSW's take over. Once what could have been an unstoppable alliance is a joke. I only keep my license because other avenues- research, teaching, insurance companies respect it.”

**Respondent #9** - “The requirement of a brick and mortar school may be overly restrictive, especially if educational equivalency can be established.”

**Respondent #11** - “AT TIMES THEY TREAT THE LPT AS INFERIOR, MAKING THEM STAY UNDERSUPERVISION FOR A LIFETIME. THIS IS UNNECESSARY.”

**Respondent #15** - “Rules and regulations are consistent with other locales and serve to ensure appropriate services are provided by qualified professionals. The lack of electronic submission of materials (for licensure, renewal, etc.), while not a significant restriction, is frustrating and makes it more difficult to submit and complete information in a timely fashion.”

**Respondent #22** - “One of the Board's primary responsibility is to protect the public and ensure appropriate credentials of psychological professionals.”

**Respondent #27** - “I am a Master's Level therapist. Forcing us to practice under the supervision of a Psychologist is unnecessary. Many other disciplines such as social work, marriage and family therapy, and counseling practice many of the same skills that an LPT would in the state of AL. They are not required to be supervised once they receive the full scope of their license, yet a master level psychology graduate is always required to remain under supervision. This is an unnecessary hardship. This level of therapist is then required to pay for supervision and is also not afforded the same provider privileges. If we really want to change how mental health services are

provided and make these services better and more affordable, how about we allow a group of practitioners who are highly qualified and trained to provide these services instead of forcing them into entry level positions at mental health centers where they are poorly compensated. They are at least equal to the other comparable master level fields, definitely not lower level which are current licensing suggests. The name of the license even suggest a very low level practitioner. Technician is not at all reflective of the skill set we possess.”

**Respondent #31** - “I think our board should align the master level practitioner to relevant/comparable requirements of counselors and social workers in this state. This limits the master level practitioner's (in the field of psychology) ability to practice independently.”

**3. Do you think any of the Board of Psychology requirements are irrelevant to the competent practice of your profession?**

Yes	3	10%
<b>No</b>	<b>27</b>	<b>87%</b>
Unknown	1	3%

**Respondent #2** - “While I believe the requirements are relevant generally, I am concerned that the requirements do not fully address other more specific competence issues related to the specialized areas of psychology (e.g, neuropsychology, forensic psychology).”

**Respondent #4** - “LPT NEEDING TO BE SUPERVISED FOREVER. I HAVE BEEN IN PRACTICE FOR OVER 20 YEARS AND I AM STILL REQUIRED TO HAVE A SUPERVISOR.”

**Respondent #5** - “Once someone has practiced under supervision for 25 years they should be let go. It's unaffordable to continue to pay someone for supervision. I may be wrong but I have not seen much in the way of ethical violations for master's level providers. Of course, there are only 29. So not really statistically representative but I have met doctoral-level psychologists with no business practicing, boundary wise.”

**Respondent #15** - “NA”

**Respondent #22** - “Appropriate credentials and continuing education are essential to maintaining quality psychological practices.”

**Respondent #27** – “Supervision of LPT's as commented earlier.”

**4. Are you adequately informed by the Board of Psychology of changes to and interpretations of board positions, policies, rules, and laws?**

<b>Yes</b>	<b>24</b>	<b>77%</b>
No	3	10%
Unknown	1	3%
No Opinion	3	10%





**Respondent #12** - “The need to adapt to electronic records keeping as the norm and to clarify or eliminate the need to keep paper records. No progress as yet.”

**Respondent #13** - “Efforts by non-psychologists to gain permission to perform tasks/duties previously restricted to professionals with doctoral level psychology training. Unfortunately, the Board only has oversight of psychologists so it can do nothing about this.”

**Respondent #14** - “Nothing truly significant at this time.”

**Respondent #15** - “Mental health stigma and accurate knowledge of mental health information. By ensuring providers are adequately trained, this helps support a more positive view of the profession.”

**Respondent #16** - “Changes in the compensation of psychological testing, I do not know if the board is doing anything for this.”

**Respondent #17** - “Threats from legislators to sunset the board. Education of legislators and attempts such as this survey to establish the importance of our board.”

**Respondent #18** - “There is a need for psychologists to have limited prescription privileges so as to have an adequate number of qualified providers to treat mental illness in state.”

**Respondent #19** - “Because I work for the federal government, I'm not as in tune with issues on the state level so don't have anything of substance to comment on here.”

**Respondent #20** - “I do not practice in Alabama so I do not have enough personal knowledge to answer this question.”

**Respondent #21** - “The continued decrease in reimbursement rates with certain insurance providers, especially Medicaid, is quite troubling. There has been a decrease in reimbursement while the amount of inessential paperwork and documentation has been increased. Clients are unable to receive a full and necessary psychological test battery due to the limited amount of testing units allowed, which interferes with the ability to thoroughly assess, diagnose, and treat issues facing clients. I am unaware of any particular steps that have been taken by the Board to address these matters.”

**Respondent #22** - “Insurance reimbursement problems. Lack of quality practitioners available for demand. I know the board is encouraging training young professionals.”

**Respondent #23** - “Unethical behavior by psychologists. The AL Board of Psychology reviews claims and sanctions clinicians appropriately.”

**Respondent #24** - “Don't know.”

**Respondent #25** - “Masters level clinicians (i.e., LPTs) are required to maintain career-long supervision, regardless of whether we've been practicing 5+ years. Other masters level clinicians (LCSWs, LPCs, etc.) do not have to do this after they have proven themselves experienced and competent. Since LPTs do not hold independent and unrestricted licenses, this impacts our ability to obtain accreditation with insurance panels, provide Telehealth services, and we must forever pay supervision fees to the PhDs/PsyDs. From my understanding, the Board of Psychology is disinterested in ever allowing us to practice independently from the doctoral level clinicians.”

**Respondent #26** - “properly trained psychologists need RxP... we need a Prescription Drug committee.”

**Respondent #27** - “Lack of mental health services Lack of providers/look waits before patients are provided appointments Lack of insurance coverage to multiple disciplines of providers.”

**Respondent #28** - “Ethical standards of practice/professional standards of practice. Continue to monitor curriculums of the institutions providing education to new professionals in the mental health industry.”

**Respondent #29** - “reimbursement rates and financial concerns- the Board is doing all they can to support us.”

**Respondent #30** - “Masters level clinicians should be removed from being able to call themselves "psychologists." There are only reportedly some grandfathered in; however, it should be completely eliminated.”

**Respondent #31** - “The most pressing issue in Alabama is the state of mental health. We have and I hope we continue to have a seat at the table in discussing what is necessary to address mental health issues at all levels. The divisiveness of our professions should be put aside in the discussion.”

**8. Do you think the Board of Psychology and its staff are satisfactorily performing their duties?**

<b>Yes</b>	<b>26</b>	<b>84%</b>
Unknown	4	13%
No Opinion	1	3%

**9. Has any number of the Board of Psychology or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?**

<b>No</b>	<b>31</b>	<b>100%</b>
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**Complainant Questionnaire**

A letter was sent to fifty-four complainants whose complaint had been resolved within the past two years requesting participation in our survey. Three participated in the survey. The percentages, where shown, are based on the number who responded to the question.

**1. How was your complaint filed with the Board?**

<b>Mail</b>	<b>3</b>	<b>100%</b>
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**2. Was receipt of your complaint promptly acknowledged?**

<b>Yes</b>	<b>2</b>	<b>67%</b>
<b>No Opinion</b>	<b>1</b>	<b>33%</b>

**3. If you answer to Question 2 was “YES”, how long after you filed your complaint were you contacted by the Board of Psychology?**

<b>Within 20 days</b>	<b>1</b>	<b>33.3%</b>
<b>Within 30 days</b>	<b>1</b>	<b>33.3%</b>
<b>More than 30 days</b>	<b>1</b>	<b>33.3%</b>

**4. Was the person who responded to your complaint knowledgeable and courteous?**

<b>Yes</b>	<b>1</b>	<b>33%</b>
<b>No opinion</b>	<b>2</b>	<b>67%</b>

**Respondent #2** – “I never verbally talked to anyone from the board. All replies were by mail. I was never given a reason for the "No Probable Cause for a Disciplinary Hearing". Can I have the reason for this decision?”

**Respondent #3** - “I was contacted by a "contract" attorney and not a direct employee of the Board. He worked out of a group of contract lawyers in Birmingham. He apparently just did work for Psychology board part time.”

**5. Did the Board communicate the results of the investigation into your complaint to you?**

<b>Yes</b>	<b>3</b>	<b>100%</b>
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**6. Do you think the Board of Psychology did everything it could to resolve your complaint?**

No	2	67%
Other	1	33%

**Respondent #1** - "Decision deferred to "professional differences and latitude of opinion" in reference to conflict. No other remedy was offered."

**Respondent #2** - "I do not know."

**Respondent #3** - "It seemed to me that the Board is something akin to "the fox guarding the henhouse". They would not pursue issues that were obvious, and it seemed like they are all part of a "club" and don't want to handle issues with one of their own. This Board needs some involvement from others outside the "tight" community of psychologists."

**7. Do you think the Board of Psychology did everything it could to resolve your complaint?**

Yes	1	33%
No	2	67%

**Respondent #1** - "Decision was dismissive, and utterly without merit with no opportunity to seek remedy otherwise."

**Respondent #3** - "If the Board is not willing to do in-depth investigations, possibly even with a full-time trained investigator, then it really isn't serving any valuable purpose and it's duties to police the activities of rogue and corrupt psychologists needs to be handed over to an agency or board that is not afraid to take disciplinary actions."

## **APPENDICES**

### **Applicable Statutes**

#### **Section 34-26-1 Practice as "psychologist" and "psychological technician" defined.**

(a) For the purposes of this chapter, the two levels of psychological practice are as follows:

(1) Psychologist.

(2) Psychological technician.

(b)(1) A person practices as a psychologist within the meaning of this chapter when he or she holds himself or herself out to be a psychologist or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests, and personality characteristics for such purposes as psychological evaluation or for such purposes as overall personality appraisal or classification, or treatment. The practice of psychologists specifically includes the use of projective assessment techniques, the diagnosis of mental disorders, and psychotherapy.

(2) Nothing in this definition shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electroshock or in any way infringing upon the practice of medicine as defined in the laws of this state. A psychologist shall not attempt to diagnose, prescribe for, treat, or advise a client with reference to problems or complaints falling outside the boundaries of psychological practice.

(3) Nothing in this definition shall be construed as preventing qualified school counselors, vocational guidance counselors, vocational rehabilitation counselors, speech and hearing therapists, speech pathologists and audiologists, reading therapists, or teachers of exceptional children from rendering to the public for remuneration services for which they are qualified by training and experience involving the techniques of interviewing, administering, and interpreting tests of mental abilities, achievement, interests, and aptitudes for such purposes as evaluation or for educational or vocational guidance, selection, or placement. Nothing in this definition shall be construed as preventing technical and support staff from providing functions associated with psychological assessments under the supervision of a licensed psychologist.

(c)(1) A person practices as a "psychological technician" within the meaning of this chapter when he or she holds himself or herself out to be a psychological technician. A psychological technician may not use the title psychologist or hold himself or herself out to the public or knowingly allow himself or herself to be held out to the public as a psychologist. A licensed psychological technician shall not practice or present himself or herself outside the area of competence as approved by the board based upon the examination and review of the qualifications, training, and experience of the individual. A psychological technician with adequate training may directly provide any of the following services without supervision:

a. Administering and interpreting tests: A psychological technician may administer and interpret tests of intelligence, achievement, aptitudes, and interests, and testing for educational or vocational selection, guidance, or placement.

b. Interviewing and screening: A psychological technician may conduct initial screening interviews which may lead to referrals for more extensive evaluation or treatment. A psychological technician may also administer adjective checklists, behavior rating scales, and other rating devices which may be completed by a variety of professional and non-professional observers.

c. Psychoeducational interventions: Psychological technicians may provide didactic psychoeducational services to individuals or groups. The purpose of such groups is to disseminate information and educate clients.

(2) A psychological technician who meets the education and training requirements of this chapter shall not provide any of the following services except under the qualified supervision of a licensed psychologist:

a. Personality appraisal. Personality appraisal as performed by the psychological technician is defined as any objective assessment or evaluative technique that 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. These activities shall allow for the process of deciding the nature of the psychological disorder or condition.

b. Clinical intervention. Includes the use of the principles, methods, and procedures of the science and profession of psychology for the treatment of individuals, groups, and families, and behavior management and behavior modification procedures with clinical populations.

c. Consultation services. Services provided to other agencies by psychological technicians acting in the role of consultants are subject to the same rules for supervision as services provided directly by the psychological technician in his or her place of employment.

d. Assistance with forensic assessments and neuropsychological evaluations. A psychological technician may assist a trained neuropsychologist in the administration of neuropsychological procedures or a qualified psychologist in forensic assessment. Independent forensic assessments and neuropsychological evaluations are outside of the scope of practice for psychological technicians.

*(Acts 1963, No. 535, p. 1147, §2; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3.)*

**Section 34-26-2 Confidential relations between licensed psychologists, licensed psychiatrists, or licensed psychological technicians and their clients.**

For the purpose of this chapter, the confidential relations and communications between licensed psychologists, licensed psychiatrists, or licensed psychological technicians and their clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

*(Acts 1963, No. 535, p. 1147, §14; Acts 1979, No. 79-603, p. 1068, §1; Acts 1997, No. 97-387, p. 619, §3.)*

**Section 34-26-3 Code of ethics.**

The Board of Examiners shall adopt the Code of Ethics of the American Psychological Association to govern appropriate practices or behavior as referred to in Section 34-26-46 and Section 34-26-47 and shall file such code with the Secretary of State within 30 days prior to the effective date of such code.

*(Acts 1963, No. 535, p. 1147, §15.)*

**Section 34-26-20 Creation.**

Repealed by Act 2016-416, §2, effective August 1, 2016.

*(Acts 1963, No. 535, p. 1147, §1.)*

**Section 34-26-21 Composition; powers and duties; psychological technician; oath; meetings.**

(a)(1) There is created the Alabama Board of Examiners in Psychology to consist of eight persons who are residents of this state, who shall be inclusive and reflect the racial, gender, geographic, urban, rural, and economic diversity of the state, and who shall be appointed by the Governor as follows:

- a. One member shall be a member of the faculty of an accredited college or university in the state with the rank of assistant professor or above who is primarily engaged in teaching, research, or administration of psychology and is a psychologist licensed under this chapter.
- b. Five members shall be psychologists licensed under this chapter.
- c. One member shall be a psychological technician licensed under this chapter.
- d. One member shall be a member of the general public.

(2) The board shall perform those duties and exercise those powers prescribed in this chapter. No member of the board shall be liable to civil action for any act performed in good faith in the performance of his or her duty pursuant to this chapter. Vacancies shall be filled for any unexpired term, and members shall serve until their successors are appointed and have qualified.

In nominating candidates to fill vacancies on the board, nominating authorities shall coordinate their appointments to assure board membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state without regard to political affiliation.

(3) Board members shall not serve more than two consecutive terms of office. Not later than October 1 of each year the executive council of the Alabama Psychological Association, or of its successor organization, shall submit to the Governor the names of two qualified candidates for the position of the board to be vacated by reason of expiration of term of office. From the two candidates the Governor shall appoint one member not later than January 1 to serve on the board for a term of five years. With the exception of the member appointed from the general public, other vacancies occurring in the board shall be filled for the unexpired term by appointment of the Governor from two qualified candidates for each vacancy submitted within 30 days after the vacancy occurs by the executive council of the association, or by its successor organization. Those appointments shall be made by the Governor within 30 days after the candidates' names have been submitted. If the association, or its successor organization, fails to furnish the Governor with the list of persons eligible for appointment to the board, the



Governor shall appoint any qualified members of the profession of psychology to the vacant position on the board.

(b) The Governor shall appoint, for a five-year term of office, a member of the general public who is a resident of Alabama not licensed by the board, and whose spouse, if married, is not licensed by the board. Vacancies for unexpired terms of the general public member shall be filled by the Governor. Successor public members shall be appointed by the Governor.

(c) To fill the psychological technician position on the board, the Executive Council of the Alabama Psychological Association, or its successor organization, shall select two names to be submitted to the Governor by October 1 prior to the expiration of the term. On or before the immediately following January 1, the Governor shall appoint one of the two names submitted to serve in the psychological technician position on the board for a term of five years.

(d) Any board members may be removed by the Governor after notice and hearing for incompetence, neglect of duty, malfeasance in office, or moral turpitude.

(e) Immediately before entering public duties of the office, the members of the board shall take the constitutional oath of office and shall file the oath in the Office of the Governor, who upon receiving the oath shall issue to each member a certificate of appointment. The board shall have available for the Governor or his or her representative detailed reports on proceedings and shall make annual reports in the form required by the Governor.

(f) The board shall elect annually a chair and vice-chair. Each member shall receive the same per diem and travel allowance paid to state employees for each day's attendance at an official meeting of the board. The board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the chair or at the written request of any two members of the board. The board shall adopt a seal which shall be affixed to all licenses issued by the board. The board shall from time to time adopt rules and regulations necessary for the performance of its duties. Four members of the board shall constitute a quorum. The board may hire any assistants necessary to carry on its activities within the limit of funds available to the board. The board may accept grants from foundations, individuals, and institutions to carry on its functions.

*(Acts 1963, No. 535, p. 1147, §4; Acts 1988, No. 88-216, p. 332, §3; Acts 1992, No. 92-125, p. 230, §3; Acts 1996, No. 96-394, p. 482, §1; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3; Act 2004-90, p. 119, §3; Act 2013-386, p. 1484, §1; Act 2016-65, §3; Act 2016-416, §1.)*

**Section 34-26-22 Certain powers and duties enumerated; registration requirements; continuing education; rules and regulations.**

(a) The Board of Examiners in Psychology shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. The board shall be the sole agency in this state empowered to certify concerning competence in the practice of psychology and the sole board empowered to recommend licensure for the practice of psychology. The board shall have the power to recognize areas of specialization for practice and supervision, and to ensure through rules and regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. No individual shall be issued a license for the practice of psychology who has not been

previously certified at the appropriate level of practice by the board. The board shall certify as competent to practice psychology or as competent to practice as a psychological technician all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this chapter and the rules and regulations of the board. The certification shall be signed by the chair of the board under the adopted seal of the board. The chair shall, under the direction of the board, aid the district attorneys in the enforcement of this chapter and the prosecutions of all persons charged with the violation of its provisions. Psychologists and psychological technicians licensed by the board shall be required to submit annually to the board a completed registration fee, not exceeding five hundred dollars (\$500), as determined by the board. The list of licensed psychologists and licensed psychological technicians shall be made available to interested individuals or organizations at a nominal charge.

(b) A psychology license issued by the board shall expire on October 15, and shall be renewed annually upon the satisfaction of continuing education requirements and payment of the renewal fee. Failure to comply with all requirements for renewal within the time period prescribed by the board shall result in a lapsed license. Failure to satisfy all requirements for reactivation of an inactive license shall result in a lapsed license. A psychologist may have his or her lapsed license reinstated upon the payment of all accrued annual fees and late penalties and satisfaction of all requirements established by rule of the board. If a psychologist is alleged to have violated any of the prohibitions on professional conduct provided in this chapter, the board, upon a hearing and proof of the violation, may deny reinstatement of the license or prohibit the psychologist from applying for reinstatement.

(c) The board shall implement requirements through its rules and regulations that licensees shall engage in annual continuing education activities other than individual study to renew the license to practice. Continuing education activities shall be relevant to the practice of psychology or applicable within the practice of psychology. The board may charge a reasonable fee to register and keep records of licensees' continuing education credits.

(d) The board may promulgate and adopt rules and regulations as are necessary to implement the requirements of this chapter. The rules and regulations shall be adopted pursuant to the state administrative procedure statutes.

*(Acts 1963, No. 535, p. 1147, §13; Acts 1979, No. 79-106, p. 127, §1(a); Acts 1987, No. 87-569, p. 893, §1; Acts 1988, No. 88-216, p. 332, §3; Acts 1997, No. 97-387, p. 619, §3; Act 2013-386, p. 1484, §1.)*

**Section 34-26-23 Sunset provision.**

The Board of Examiners in Psychology shall be subject to the Alabama Sunset Law, Chapter 20 of Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2016, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

*(Act 2013-386, p. 1484, §3.)*

**Section 34-26-40 Required; exceptions; psychological interns or trainees.**

(a) It is specifically prohibited that any individual or organization shall present himself, herself, or it, or be presented to the public by any title incorporating the name "psychological," "psychologist," or "psychology" other than so licensed by this chapter. Any psychological scientist, including a school psychologist who holds a certificate issued by the State Superintendent of Education, employed by a recognized research laboratory, school, college, university, or governmental agency or department may represent himself or herself by the academic or research title conferred upon him or her by the administration of the laboratory, school, college or university, or any governmental agency or department. Nothing in this section shall be construed as permitting such persons to offer their services to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries, unless they have been licensed under this chapter. Visiting lecturers from recognized laboratories, schools, colleges, universities, or any governmental agencies or departments are exempt from the provisions of this section and may utilize their academic or research titles when presenting lectures or performing any consultation as might be required in their academic or research functions. Students of psychology, psychological interns, and other persons preparing for the profession of psychology under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern," "psychological trainee," or others clearly indicating such training status. No individual may employ or use the title "licensed psychologist" or imply in any way that he or she is licensed by the board unless he or she is actually so licensed and registered under this chapter.

(b) No person working for any recognized state department or agency, research laboratory, school, college, or university shall be required to have any license issued pursuant to this chapter to perform their job duties and responsibilities related to their position or employment status with these entities.

*(Acts 1963, No. 535, p. 1147, §3; Acts 1996, No. 96-394, p. 482, §1; Acts 1997, No. 97-387, p. 619, §3.)*

**Section 34-26-41 Applications; qualifications of applicants; issuance of license; practice without license; inactive status.**

(a)(1) Any person wishing to obtain the right to practice as a psychologist or psychological technician in this state, who has not heretofore been licensed to do so, shall, before it shall be lawful for him or her to practice as a psychologist or psychological technician in this state, make application to the Board of Examiners in Psychology through the chair upon such form and in such manner as prescribed by the board.

(2) Unless a person has first obtained a valid license as aforesaid, it shall be unlawful and a violation of this chapter for him or her to practice.

(b) A candidate for licensure as a psychologist shall furnish the board with satisfactory evidence of all of the following:

(1) He or she is of good moral character.

(2) He or she is at least 19 years of age.

(3) He or she has received a doctorate degree from a department of, or school of, psychology, from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards.

(4) He or she is competent in psychology as shown by passing such examinations, written or oral, or both, as the board will prescribe, unless exempted pursuant to subsection (e).

(5) He or she is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association.

(6) He or she has not within the preceding six months failed an examination given by the board.

(c) The board may issue a license to any person who is a licensed psychologist of another state, and who applies to the board, provided the licensee of another state shall furnish the board with satisfactory evidence of all of the following:

(1) He or she is of good moral character, and holds his or her license in good standing from another state.

(2) He or she is at least 19 years of age.

(3) He or she has received a doctorate degree in psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards or, in lieu of a doctorate degree in psychology, a doctorate degree in a closely allied field, if the training received therefor is substantially similar to that required of doctorates obtained from departments of psychology.

(4) He or she is competent in psychology as shown by the passing of an examination, unless exempted pursuant to subsection (e), substantially equivalent to the examinations prescribed in subsection (a), or by the passing of a recognized national examination in psychology.

(5) He or she is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association.

(6) He or she has practiced psychology in another state at least four consecutive years prior to application.

(7) That the other state under which he or she is licensed gives similar recognition and reciprocal licensing to licensed psychologists of this state.

(d)(1) The board shall accept the Certificate of Professional Qualification (CPQ) in psychology issued by the Association of State and Provincial Psychology Boards (ASPPB), or its successor organization, or board certification by the American Board of Professional Psychology (ABPP) as evidence that the applicant, who has not within the preceding six months failed an examination given by the board, has met the requirements for licensure.

(2) The applicant shall submit all of the following to the board:

a. An application for licensure and the corresponding licensure fee.

b. Verification forms from the jurisdictions of licensure, verifying that licensure is current and in good standing.

c. A verification form from the ASPPB or from the ABPP.

(3) All applicants under this subsection shall successfully pass any local jurisdictional examinations. The board may deny licensure to any applicant who has had disciplinary action taken against him or her by any licensing authority or professional organization or who has a record that discloses any other matter that puts in question his or her competency to practice.

(e) The board shall issue a license to any applicant with a doctoral degree in psychology who is otherwise qualified pursuant to subsections (a) and (b), who is licensed in at least two states and who has passed a recognized national exam.

(f) An individual who possesses a valid license to practice psychology independently at the doctoral level, by any jurisdiction recognized by the Association of State and Provincial Psychology Boards, may practice psychology in Alabama for no more than 30 days each calendar year without applying for a license to practice psychology in Alabama, unless otherwise exempted pursuant to this chapter. This authority to practice does not apply to a psychologist who has been denied licensure in Alabama, is a legal resident of Alabama, or intends to practice full-time or a major portion of his or her time in Alabama.

(g) An individual licensed to practice psychology in another jurisdiction, who is providing services in response to a declared disaster or state of emergency, may practice psychology in this jurisdiction for no more than 60 days per year, without applying for a license, upon proper notification as required by board rule.

(h) A candidate for licensure as a psychological technician shall furnish the board with satisfactory evidence of all of the following:

(1) He or she is of good moral character.

(2) He or she is at least 19 years of age.

(3) He or she has a master's degree in psychology from a regionally accredited institution of higher education, or has completed the equivalent of a master's degree from an American Psychological Association accredited doctoral program in psychology, as determined by the board. Educational requirements are provided in Section 34-26-65.

(4) Is competent as a psychological technician, as shown by passing examinations, written or oral, or both, as prescribed by the board.

(5) Is not engaged in unethical practice as defined in the most recent version of the Code of Ethics of the American Psychological Association.

(6) Has not within the preceding six months failed an examination given by the board.

(i) A psychologist or psychological technician licensee may request that the board designate his or her license as inactive at any time before the date of renewal. There shall be paid to the board by each licensee requesting inactive status a fee, not exceeding five hundred dollars (\$500), as set by rule of the board. There shall be paid to the board by each licensee requesting annual continuation of inactive status a fee, not exceeding five hundred dollars (\$500), as set by rule of the board. No part of any fee paid to the board shall be returnable under any circumstances. Granting inactive status to a licensee revokes all privileges associated with licensure under this chapter until reactivation is requested by the licensee. Procedures for reactivating an inactive license shall be established by rule of the board.

*(Acts 1963, No. 535, p. 1147, §5; Acts 1982, No. 82-152, p. 181, §4; Acts 1988, No. 88-216, p. 332, §3; Acts 1996, No. 96-394, p. 482, §1; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3; Act 2008-140, p. 212, §3; Act 2013-386, p. 1484, §1; Act 2016-416, §1.)*

**Section 34-26-42 Penalty for unlicensed person held out to public as psychologist or psychological technician.**

(a) If any person holds himself or herself out to the public as being engaged in practice as a psychologist or psychological technician, such as clinical, counseling, school, or combined professional-scientific psychology, and does not then possess in full force and virtue a valid license to practice as a psychologist or psychological technician under this

chapter, he or she shall be deemed guilty of a Class B misdemeanor and, upon conviction, shall be fined not less than five hundred dollars (\$500) per occurrence nor more than five thousand dollars (\$5,000) per occurrence plus court costs. Nothing in this chapter shall be construed to limit the professional pursuits of teachers in recognized public and private schools, clergymen, practitioners of medicine, social workers, licensed professional counselors, school psychometrists, school psychologists, school counselors, and guidance counselors from full performance of their professional duties. However, in such performance any title shall be in accord with this chapter. Students of psychology, psychological interns, or other persons preparing for the profession of psychology may perform as a part of their training the functions specified in this chapter, but only under qualified supervision. Use of psychological techniques by business and industrial organizations for employment placement, evaluation, promotion, or job adjustment of their own officers or employees or by employment agencies for the evaluation of their own clients prior to recommendations for employment is also specifically allowed. However, no industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in this chapter unless the services are performed or supervised by individuals duly and appropriately licensed under this chapter.

(b) When the board has evidence that any person has engaged in any act or practice constituting a violation of this chapter, or any rule or order promulgated pursuant to this chapter, the board may bring an action in the Circuit Court of Montgomery County to enjoin the act or practice and to enforce compliance with this chapter or any rule or order promulgated pursuant to this chapter, regardless of whether criminal proceedings have been or may be initiated. Upon a proper showing, the court may order a permanent or temporary injunction, restraining order, or a writ of mandamus.

*(Acts 1963, No. 535, p. 1147, §5; Acts 1982, No. 82-152, p. 181, §4; Acts 1988, No. 88-216, p. 332, §3; Acts 1996, No. 96-394, p. 482, §1; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3; Act 2008-140, p. 212, §3; Act 2013-386, p. 1484, §1.)*

#### **Section 34-26-43 Fees; disposition of revenues of board; payment of expenses.**

There shall be paid to the board by each applicant for a permanent license to practice as a psychologist or a psychological technician a fee not to exceed five hundred dollars (\$500), as set by board rule. No part of any fee shall be returnable under any circumstance. All fees collected in this manner plus renewal fees as outlined in Section 34-26-22 and all gifts or grants shall be deposited in the State Treasury to the credit of the board. Vouchers in payment of expenses shall be drawn on the state Comptroller signed by the chair or executive officer of the board.

*(Acts 1963, No. 535, p. 1147, §12; Acts 1979, No. 79-106, p. 127, §1(b); Acts 1987, No. 87-569, p. 893, §2; Acts 1988, No. 88-216, p. 332, §3; Acts 1997, No. 97-387, p. 619, §3; Act 2013-386, p. 1484, §1.)*

#### **Section 34-26-43.1 Fees; background checks; fingerprints; confidentiality.**

(a) The Board of Examiners in Psychology shall charge each candidate for licensure as a psychologist or psychological technician a fee sufficient to cover the entire actual costs of the examination of the applicant as well as the cost of criminal history and civil background checks of the applicant.

- (b) Applicants for licensure as a psychologist or psychological technician shall submit to a criminal history background check.
- (c) The applicant shall provide fingerprints and shall execute a criminal history information release using forms provided to the applicant by the board.
- (d) The applicant is responsible for having his or her fingerprints made.
- (e) The applicant shall provide to the board office his or her completed fingerprint cards, along with a cashier's check or money order made payable to the Alabama State Law Enforcement Agency (ALEA) in the amount sufficient to cover the actual cost of the background check. The board shall submit the fingerprint cards to ALEA.
- (f) ALEA shall be responsible for forwarding applicants' fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
- (g) Information received by the board pursuant to a criminal history background check shall be confidential and shall not be a public record, except that such information received by and relied upon by the board in denying the issuance of a certificate of qualification may be disclosed as may be necessary to support the denial.  
(Acts 1979, No. 79-106, p. 127, §2; Acts 1987, No. 87-569, p. 893, §3; Acts 1993, No. 93-151, p. 215, §3; Acts 1997, No. 97-387, p. 619, §3; Act 2013-386, p. 1484, §1; Act 2016-416, §1.)

**Section 34-26-44 Conduct of examinations.**

Examination of applicants for a license to practice as a psychologist or psychological technician shall be made by the board at least once a year according to methods and in such subject fields as may be deemed by the board to be the most practical and expeditious to test the qualifications of the applicant. The board shall require the examinations to be written or oral, or both. The board, by rule, shall provide circumstances under which a candidate shall be held to have passed the examination.  
(Acts 1963, No. 535, p. 1147, §7; Acts 1997, No. 97-387, p. 619, §3; Act 2013-386, p. 1484, §1.)

**Section 34-26-45 Waiver of examination; persons licensed in other states.**

Repealed by Act 2013-386 effective February 1, 2014.  
(Acts 1963, No. 535, p. 1147, §8.)

**Section 34-26-46 Grounds for disciplinary action; mental or physical competence; penalties; judicial review; disciplinary oversight.**

- (a) The board shall suspend, place on probation, or require remediation, or any combination thereof, for any psychologist or psychological technician for a specified time, to be determined at the discretion of the board, or revoke any license to practice as a psychologist or psychological technician or take any other action specified in the rules and regulations whenever the board finds by a preponderance of the evidence that the psychologist or psychological technician has engaged in any of the following acts or offenses:
  - (1) Fraud or deception in applying for or procuring a license to practice as a psychologist or psychological technician; or in passing the examination provided for in this chapter.
  - (2) Practice as a psychologist or psychological technician under a false or assumed name or the impersonation of another practitioner of a like or different name.

- (3) Immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the board.
- (4) Practicing as a psychologist or psychological technician in such a manner as to endanger the welfare of clients or patients.
- (5) Conviction of felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence).
- (6) Conviction of any crime or offense that reflects the inability of the practitioner to practice as a psychologist or psychological technician with due regard for the health and safety of clients or patients.
- (7) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient.
- (8) Engaging in sexual intercourse or other sexual contact with a client or patient.
- (9) Use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence or area of specialization established by education, training, and experience as recognized by the board.
- (10) Gross malpractice or repeated malpractice or gross negligence in practice as a psychologist or psychological technician.
- (11) Aiding or abetting practice as a psychologist or psychological technician by any person not licensed by the board.
- (12) Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence).
- (13) Exercising undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party.
- (14) The suspension or revocation by another state of a license to practice as a psychologist or psychological technician for cause other than failure to renew the license (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof).
- (15) Refusal to appear before the board after having been ordered to do so in writing by the executive office or chair of the board.
- (16) Making any fraudulent or untrue statement to the board.
- (17) Failing to cooperate with or to respond promptly, completely, and honestly to the board.
- (18) Violation of the code of ethics adopted in the rules and regulations of the board.
- (19) Upon the recommendation of the Ethics Committee of the Alabama Psychological Association, or of its successor organization, or the Ethics Committee of the American Psychological Association.
- (20) Inability to practice as a psychologist or psychological technician with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.
- (21) Engaging in practice as a psychologist or psychological technician before a license is issued.
- (22) Practice of a level of psychology inappropriate or beyond the scope of the particular license held by the licensee.



(23) Failure to comply with any of the respective responsibilities of a supervisor or supervisee as provided in this chapter.

(b) When the issue is whether or not a psychologist or psychological technician is physically or mentally capable of practicing as a psychologist or psychological technician with reasonable skill and safety to patients or clients, then, upon a showing of probable cause to the board that the psychologist or psychological technician is not capable of practicing psychology with reasonable skill and safety to patients, the board may petition a court of competent jurisdiction to order the psychologist or psychological technician in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. The psychologist and/or physician is to be designated by the court. The expense of the examination shall be borne by the board. Where the psychologist or psychological technician raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist or psychological technician shall be permitted to obtain his or her own evaluation at his or her own expense. If the objectivity or adequacy of the examination is suspect, the board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every psychologist or psychological technician licensed to practice in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

(c) In addition to any penalties referenced in subsection (d), the board may assess the cost of any investigation, legal service, legal proceeding, or disciplinary action against any applicant or licensee found to be in violation of this chapter.

(d) In determining the amount of any penalty, which may not exceed one thousand dollars (\$1,000) per violation or a total of five thousand dollars (\$5,000), the board shall consider the seriousness of the violation, including any threat to the health, safety, or welfare of the public, the unlawful gain or economic benefit gained from the violation, the history of previous violations by the person, and the efforts of the person to mitigate and comply with this chapter.

(e) Judicial review of an order entered by the board under this section shall be conducted in accordance with those provisions providing for the judicial review of contested cases of the Alabama Administrative Procedure Act.

(f) The board shall exercise its jurisdiction for disciplinary oversight of licensees for any psychological services, regardless of how or where those services are rendered, even if those services are rendered in another state, federal facility, or foreign country during the licensure period. The board may not accept the voluntary surrender of a license on the part of a licensee in an effort to avoid possible disciplinary actions by the board. Inactive status does not negate the jurisdiction of the board over the actions of a license during any period of active licensure. If a former licensee or a licensee on inactive status is found to be in violation of a state law or administrative rule, a public announcement of the decision of the board shall be proffered in a manner to be determined by rule of the board.

(g) The Board of Examiners in Psychology may refuse to grant a license, or may recommend suspension of any license for a definite period not to exceed three years. The board may, upon satisfactory proof that any applicant or licensee has been guilty

of any of the above offenses, refuse to grant a license to the applicant or may recommend revocation of a license of the licensee upon a vote of at least four members of the board. After three years from the date of a revocation, an application for reinstatement may be made to the board, and it may, upon favorable action by four of its members, recommend reinstatement.

*(Acts 1963, No. 535, p. 1147, §9; Acts 1988, No. 88-216, p. 332, §3; Acts 1997, No. 97-387, p. 619, §3; Act 98-146, p. 230, §3; Act 2013-386, p. 1484, §1.)*

**Section 34-26-47 Notice and hearing requirements.**

(a) The board may not recommend suspension or revocation of licensure or refuse to issue or to renew any license for any cause listed in Section 34-26-46 unless the person accused has been given at least 30 days' notice in writing of the charge against him or her and a public hearing by the board. The written notice shall be mailed to the person's last known address, but the nonappearance of the person shall not prevent such a hearing. Upon such a hearing the board may administer oath and procure by its subpoenas the attendance of witness and the production of relevant books and papers.

(b) At least one member of the board shall be present at all times during a hearing, deliberation, and action thereon. A board member who has assisted with an investigation of a complaint may not vote on the disciplinary action to be taken relating to the complaint. A hearing officer appointed by the Attorney General shall act as the hearing officer for the purpose of ruling on motions, evidence, and other like matters.

*(Acts 1963, No. 535, p. 1147, §5; Act 2013-386, p. 1484, §1.)*

**Section 34-26-48 Review of action of board.**

Any action of, or ruling or order made or entered by the board declining to issue a certificate, declining to recommend licensure, or recommending suspension or revocation of a certificate or license shall be subject to review by the courts of this state in the same manner and subject to the same powers and conditions as now provided by law in regard to rulings, orders, and findings of other quasi-judicial bodies in Alabama, where not otherwise specifically provided. No such appeal while pending appropriate court action shall supersede such revocation or suspension.

*(Acts 1963, No. 535, p. 1147, §11.)*

**Section 34-26-60 Scope of supervision; qualifications of supervisors.**

(a) The scope of mandated supervision shall depend upon the specific areas of practice, experience, and training of the supervisee. Mandated supervision shall assure that an appropriate professional standard is being applied to the solution of the problem of a client, and that the laws that govern the practice of psychology and the ethics that guide the practice are understood and followed. The scope of mandated supervision may include enhancement and refinement of previously learned skills, but shall not include introductory training of a supervisee in additional skills, methods, or interventions. Supervision shall include consideration of all of the following areas:

- (1) Ethical, legal, and professional standards.
- (2) Technical skills and competency.
- (3) The utilization of supervision by a supervisee.
- (4) The ability of a supervisee to function independently or with reduced supervision.

(b) Specific supervision shall not be required for each person evaluated or treated, or for every treatment, evaluative technique, or professional activity undertaken. Supervisors shall be required to co-sign reports and other appropriate documents.

(c) A licensed psychologist shall be recognized by the board as an appropriate supervisor for a psychological technician supervisee. The board may disapprove of an otherwise qualified psychologist acting as a supervisor for any of the following reasons:

(1) Evidence that he or she is not competent or qualified to supervise a supervisee.

(2) Evidence that he or she has failed to adhere to ethical or legal standards of the profession.

(3) Evidence that there is a lack of congruence between the training, experience, and area of practice of the proposed supervisor and the proposed area of practice of the supervisee.

(4) Evidence that he or she has a license against which disciplinary or remedial action has been taken.

*(Act 98-146, p.230, §4.)*

### **Section 34-26-61 Duties - Supervisors.**

(a) A licensed psychologist acting as a supervisor shall perform all of the following duties:

(1) Offer and provide supervision only within the area of his or her competence and assure that his or her professional expertise and experience is congruent with the practice of the supervisee.

(2) Prior to beginning supervision, enter into a written agreement with the supervisee on a board adopted supervision contract form which details the obligations of the supervisee as well as the responsibilities of the supervisor to the supervisee. This form shall be filed with and accepted by the board.

(3) Direct the supervisee to practice only within the areas for which he or she is qualified by education, training, and supervised experience.

(4) Establish and maintain a level of supervisory contact consistent with established professional standards and remain accessible to the supervisee.

(5) Direct the supervisee to keep him or her informed of services provided by the supervisee.

(6) If he or she has reason to believe that the supervisee is practicing in a manner which indicates that ethical or legal violations have been committed, he or she shall proceed as prescribed by the most recent version of the Code of Ethics of the American Psychological Association.

(7) Maintain a clear and accurate record of supervision with a supervisee that protects the confidentiality of the clients of the supervisee.

(8) Report annually on the required form to the board that the agreed upon supervision has occurred.

(9) File a final supervision report with the board within two weeks of the termination of supervision.

(10) Insure the written notification to clients or patients of the supervisory process, including the disclosure of clinical information to the supervisor and the means by which the supervisor may be contacted.

(b) Failure to comply with any of the duties specified in subsection (a) shall constitute a violation of this chapter.

(c) To maintain the professional nature of the supervision, a familial or strong personal relationship between the supervisor and his or her supervisee is prohibited, 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 shall require reference letters from colleagues commenting on the appropriateness of the supervisory relationship.  
(Act 98-146, p.230, §4.)

**Section 34-26-62 Duties - Supervisees.**

- (a) A psychological technician supervisee shall perform all of the following duties:
- (1) Enter into a written agreement with the supervisor, using a board adopted supervision contract form, which details the obligations of the supervisee as well as the responsibilities of the supervisor to the supervisee. This form shall be filed with and accepted by the board prior to practice.
  - (2) Attend scheduled supervision sessions.
  - (3) Provide the supervisor with a disclosure of psychological services being offered or rendered by him or her.
  - (4) Cooperate with the supervisor to assure that all conditions of the supervision are fulfilled.
  - (5) Provide the supervisor with information necessary for the supervisor to advise him or her on cases presenting professional, ethical, or legal concerns.
  - (6) File a revised supervision contract form within 45 days of a change in the conditions specified in the supervision contract form on file with the board.
  - (7) Obtain a written, signed consent from each patient or client that informs them of the supervisory process.
- (b) Failure to comply with any of the duties specified in subsection (a) shall constitute a Class B misdemeanor.  
(Act 98-146, p. 230, §4; Act 2016-416, §1.)

**Section 34-26-63 Practice outside state; supervision contract form; final report; additional supervision.**

- (a) A psychological technician who practices in a jurisdiction outside of the state shall not be required to receive supervision for services rendered in that jurisdiction so long as the services are rendered in a manner consistent with the legal requirements of the jurisdiction.
- (b) The initial supervision contract form shall be filed with and accepted by the board prior to any practice.
- (c) An amended written supervision contract form shall be filed with the board within 45 days of any change in the conditions specified in the supervision contract form on file with the board. Additionally, within 14 days after receiving written notification from the board that the filing of a new supervision contract form is necessary to provide for the protection of the public or the regulation of the practice of psychology, an amended written supervision contract form shall be filed with the board. A supervision contract form shall document either that supervision is required and is 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

minimum requirements, a separate supervision contract form shall be filed for each individual supervisor.

(d) A supervisor shall report to the board that agreed upon supervision has been provided and shall file a final report with the board upon the termination of supervision. If a psychological technician is not receiving supervision, it is his or her responsibility to report that fact to the board within 14 days. A report shall be submitted to the board within 14 days after receiving written notification from the board that a report is due, within 14 days after the termination of supervision, and within 45 days after a change in the conditions specified in the supervision contract form on file with the board.

(e) Additional supervision and reporting to the board may be required if previous evaluations or other information suggest possible problems with the competence or ethical standards of the supervisee. Additional documentation or an interview with the board or a designated representative of the board may be required if questions arise regarding the practice of the supervisee.

(f) Supervision shall be provided in face-to-face and primarily one-on-one sessions by the supervisor of record. The rate of supervision specified in this section shall be provided for each separate work setting in which the psychological technician supervisee engages in an activity requiring supervision.

*(Act 98-146, p.230, §4.)*

#### **Section 34-26-64 Supervision requirements.**

Minimum supervision requirements are as follows:

(1) LEVEL I. For a psychological technician with less than two calendar years of supervised practice as a licensed psychological technician, consisting of at least 3,000 hours of supervised practice, minimum supervision shall be provided as follows:

a. If the number of hours per month spent engaging in activities requiring supervision is one to 20, inclusive, the number of required hours of supervision per month shall be two.

b. If the number of hours per month spent engaging in activities requiring supervision is 21 to 30, inclusive, the number of required hours of supervision per month shall be three.

c. If the number of hours per month spent engaging in activities requiring supervision is 31 to 40, inclusive, the number of required hours of supervision per month shall be four.

d. If the number of hours per month spent engaging in activities requiring supervision is 41 to 60, inclusive, the number of required hours of supervision per month shall be five.

e. If the number of hours per month spent engaging in activities requiring supervision is 61 or greater, the number of required hours of supervision per month shall be six.

(2) a. LEVEL II. For a psychological technician with a minimum of two calendar years of supervised practice as a licensed psychological technician, consisting of at least 3,000 hours of supervised practice, minimum supervision shall be provided as follows:

1. If the number of hours per month spent engaging in activities requiring supervision is one to 20, inclusive, the number of required hours of supervision per month shall be one.

2. If the number of hours per month spent engaging in activities requiring supervision is 21 to 60, inclusive, the number of required hours of supervision per month shall be two.

3. If the number of hours per month spent engaging in activities requiring supervision is 61 to 100, inclusive, the number of required hours of supervision per month shall be three.
  4. If the number of hours per month spent engaging in activities requiring supervision is 101 or greater, the number of required hours of supervision per month shall be four.
    - b. To be approved by the board for Level II supervision, a psychological technician shall do all of the following:
      1. Make application to the board on an application form provided by the board.
      2. Have received at least one calendar year of supervision from his or her most recent supervisor.
      3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.
  - (3) a. LEVEL III. For a psychological technician with a minimum of seven calendar years of supervised practice as a licensed psychological technician, consisting of at least 10,500 hours of supervised practice, minimum supervision shall be provided as follows:
    1. If the number of hours per month spent engaging in activities requiring supervision is one to 50, inclusive, the number of required hours of supervision per month shall be one.
    2. If the number of hours per month spent engaging in activities requiring supervision is 51 or greater, the number of required hours of supervision per month shall be two.
      - b. To be approved by the board for Level III supervision, a psychological technician shall do all of the following:
        1. Make application to the board on an application form provided by the board.
        2. Have received at least one calendar year of supervision from his or her most recent supervisor.
        3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.
  - (4) a. Prior to September 1, 2000, a licensed psychological technician with a minimum of two calendar years of supervised practice, consisting of at least 3,000 hours of supervised practice by a licensed psychologist, may apply for Level II supervision status.
    - b. To be approved by the board for this Level II supervision status, a psychological technician shall do all of the following:
      1. Make application to the board on an application form provided by the board.
      2. Have received at least one calendar year of supervision from his or her most recent supervisor.
      3. Provide a written recommendation from his or her most recent supervisor for this level of supervision and letters from all available previous supervisors.
  - (5) Contract and report forms shall be provided by the board.
- (Act 98-146, p. 230, §4.)

**Section 34-26-65 Psychology program requirements.**

The degree program of the applicant shall meet all of the following requirements:

- (1) The program shall be publicly identified and clearly labeled as a psychology program.
- (2) The program shall maintain clear authority and primary responsibility for the core and concentration 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 the program for degree purposes.
- (4) The program shall have an identifiable full-time psychology faculty in residence at the institution, sufficient in size and breadth to carry out the responsibilities of the program, and employed by and providing instruction at the main campus of the institution.
- (5) There shall be a psychologist responsible for the program as the administrative head of the program, the advisor, a major professor, or the committee chair.
- (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 two academic years, at least one of which shall be 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. A one year residency shall consist of 30 semester hours or 45 quarter hours taken on a full-time or part-time basis at the institution.
- (8) The program shall include practica or other field experience appropriate to the area of specialty and practice as a psychological technician. This experience shall satisfy all of the following criteria:
  - a. The experience shall be a planned or directed program of training in 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 trainee is enrolled. The training shall be planned by the faculty of the program rather than by the trainee.
  - b. The training site shall have a clearly designated and licensed psychologist who is responsible for the integrity and quality of the training program.
  - c. The training shall last a minimum of six months and consist of at least 500 hours of supervised training. At least 50 percent of the training shall be spent in direct contact with patients or clients.
  - d. The training program shall have a written program description detailing the functioning of the program and shall be approved by the psychology program of the trainee before training occurs.
  - e. The training site staff shall provide a minimum of one hour per five hours of client contact of face-to-face, primarily individual, regularly scheduled supervision, overseeing the training experience.
  - f. Supervision may be provided in part by psychiatrists, social workers, or other related professionals qualified by the training site. At least 60 percent of the supervision shall be provided by a licensed psychologist.
  - g. A person enrolled in a training program shall be designated as a practicum student, or any other designation which clearly indicates training status.
- (9) a. The program shall include a minimum of 45 semester hours or 68 quarter hours of graduate study in standard psychology courses, including courses drawn from academic psychology, such as social, experimental, physiological, developmental, history and systems, and statistics and research design.

1. Of the required semester or quarter hours, not more than six semester or nine quarter hours shall be credited for practicum and not more than six semester or nine quarter hours shall be credited for thesis.
2. No credit shall be allowed for audited courses or courses taken at an institution which is not a regionally accredited institution of higher education.
  - 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 technician if the applicant fails an examination at the licensed psychologist level but passes the examination at the licensed psychological technician level. To receive this license, the applicant shall file all required application materials with the board for licensure at the psychological technician level.  
*(Act 98-146, p. 230, §4; Act 2016-416, §1.)*

**Section 34-26-66 Violations.**

No person shall hold himself or herself out to the public as a licensed psychological technician or practice as a psychological technician unless licensed by the board. Failure to comply with this section shall constitute a Class B misdemeanor.  
*(Act 98-146, p. 230, §5; Act 2016-416, §1.)*



## Professional Services by Vendor

	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Legal Services</b>				
<b>Attorney</b>				
Matthew Y Beam	\$ 74,451.00	\$ 99,360.00	\$ 49,890.00	\$ 285.00
Brice M. Johnston	-	-	33,135.00	38,160.00
<b>Court Reporter Professional Services</b>				
Dunn, King & Associates LLC	-	-	283.00	-
Vertex New York Reporting Co	-	-	-	150.00
<b>Total Legal Services</b>	<b>74,451.00</b>	<b>99,360.00</b>	<b>83,308.00</b>	<b>38,595.00</b>
<b>Administrative Services</b>				
<b>Informational/Research Services</b>				
U.S. Department of Homeland Security	150.00	75.00	25.00	125.00
<b>Education and Training</b>				
Ala Assoc of Regulatory Boards	-	-	-	250.00
<b>Sanitation Services</b>				
Recycle Service Corporation	-	100.00	-	-
Gilmore Services	-	-	-	27.07
<b>Moving Services</b>				
Motivated Enterprises INC.	-	-	1,895.00	-
<b>Advertising</b>				
Legislative Reference Service	190.00	1,700.00	920.00	-
<b>Personnel Services</b>				
State Personnel	-	-	165.00	357.00
<b>Total Administrative Services</b>	<b>340.00</b>	<b>1,875.00</b>	<b>3,005.00</b>	<b>759.07</b>
<b>Data Processing Services</b>				
<b>Department of Finance</b>				
Data Processing Personnel Services	9,184.20	655.20	1,226.59	6,621.20
Mailing Services	37.49	76.26	100.04	179.75
FRMS Services	429.49	592.00	108.96	74.79
Interfund Contract Programs - STAARs		13,000.00	13,000.00	6,500.00
Controller Services	780.84	862.47	732.25	742.98
Finance and IT Planning Oversight	45.00	60.00	60.00	64.50
<b>Office of Information Technology</b>				
Data Processing	-	-	-	14,397.26
<b>Total Data Processing Services</b>	<b>10,477.02</b>	<b>15,245.93</b>	<b>15,227.84</b>	<b>28,580.48</b>
<b>Wellness Monitoring Program</b>				
Michael Clay Garver	-	3,333.28	4,999.92	4,999.92
<b>Total Wellness Monitoring Program</b>	<b>-</b>	<b>3,333.28</b>	<b>4,999.92</b>	<b>4,999.92</b>
<b>Total Professional Services</b>	<b>\$85,268.02</b>	<b>\$119,814.21</b>	<b>\$106,540.76</b>	<b>\$72,934.47</b>

## Board Members



### ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

[www.psychology.alabama.gov](http://www.psychology.alabama.gov)

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Maria L. Catledge - Director, Operational Audit  
Charles J. Bass - Accounts Examiner  
Department of Examiners of Public Accounts  
P.O. Box 302251  
Montgomery, AL 36130-2251

#### RE: Current Board Member List

Dear Ms. Catledge and Mr. Bass,

Please let this letter serve as a response to your request for a list of the names of current members of the Alabama Board of Examiners in Psychology, their cities of residence, and their dates of appointment and expiration. The requested information is as follows:

<u>Name</u>	<u>City</u>	<u>Appointment Term</u>
Edwin Cook III, Ph.D.,	Birmingham	03/13/2019 – 01/15/2024
Kristin R. Tubre, Psy.D.	Wetumpka	01/16/2015 – 01/15/2020
La'Shonda A. Moore, DPM	Montgomery	07/12/2012 – 01/15/ 2015 <i>Reappointed:</i> 01/16/2015 – 01/15/2020
Kristi Ann Miller, M.S.	Trussville	01/16/2015 – 01/15/2020
Catalina M. Arata, Ph.D.	Mobile	01/16/2015 – 01/15/2020
Joseph D. Ackerson, Ph.D.	Vestavia	01/15/2011 – 01/15/2016 <i>Reappointed:</i> 01/16/2016 – 01/15/2021
Mary Ann Bowers, Ph.D.	Florence	01/16/2012 – 01/15/2017 <i>Reappointed:</i> 01/16/2017 – 01/15/2022
Eliza M. Belle, Ph.D.	Bessemer	03/07/2018 – 01/15/2023

Please contact me if you have questions about the contents of this letter. Thank you.

Sincerely,

Lori H. Rall  
Executive Director