

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

On the Submission for Permanent Rule forms for each Rule, please provide the name of the Rule for all Rules, except for those you're repealing.

Also, please provide a reason in Box 9B

In each Rule, please revise your introductory statement in accordance with 26 NCAC 02C .0404. Specifically, please be sure to provide the Register information. You can find an example at <https://files.nc.gov/ncoah/documents/Rules/Example-Permanent-Readoption-with-changes.pdf>.

Please remember that the smallest amount of text that can be changed is an entire word. There are several places throughout these Rules where you've changed only punctuation.

Throughout these Rules, please change "client/patient" to "client or patient" or "client and patient"

Where possible, please be sure to write in active voice. Say who is responsible for doing what. You will see some suggestion throughout these Rules.

In the History Note, please add "Eff." before the effective date. The History note should look like this for readoptions (for example):

*History Note: Authority G.S. 55B-10; 57C-2-01(c); 90-270.9;
Eff. September 1, 1982;
Amended Eff. July 1, 1996; March 1, 1989; January 1, ~~1986~~. 1986;
Readopted Eff. April 1, 2020.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1602 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1602 BOARD ADDRESS AND FORMS

(a) The mailing address for the North Carolina Psychology Board is 895 State Farm Road, Suite ~~402~~ 101, Boone, North Carolina 28607.

(b) The Board's website address is www.ncpsychologyboard.org.

(c) All forms required by the Rules may be found on the Board's website.

History Note: Authority G.S. 90-270.9;

Eff. September 1, 1982;

Amended Eff. October 1, 1995; March 1, 1989; August 1, 1984.

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, ~~2017.~~ 2017;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1605

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Even if you have authority to charge a fee, you have to consult with Gov Ops pursuant to G.S. 12-3.1. The Form for this Rule indicates that you did not do so. This Rule cannot go into effect unless and until the Gov Ops consultation is done.

On line 4, what other fees are you referring to by "in addition to fees specified in G.S. 90, Article 18A"? Here, are you trying to get to the fees that are actually set in G.S. 90-270.18 (i.e. those fees where the legislature has said "shall be" rather than "shall not exceed")? I don't see fees elsewhere in your Act, so I don't understand this language.

For purposes of consistency, please provide what the fee is for and then the amount as you have done in (2), (3), (4), and (5).

Please note that in order to charge a fee, you have to have specific authority, you cannot just rely on your general rulemaking authority in G.S. 90-270.9. See G.S. 150B-19(5).

In Item (1), what is a "register of licensed psychologists"? Also, what is your specific authority for this fee? I don't see that you have it.

In Items (4) and (5), are these additional examinations as contemplated by G.S. 90-270.18(3)? If so, I think it's fine, I just want to be sure.

Given 132-6.2, is Item (6) necessary?

In Item (10), what is a "written license verification"? Also, what is your specific authority for this fee? I don't see that you have it.

In (12) and (13), what is your authority to charge this fee to professional limited liability companies? G.S. 55B-10 and 11 only refers to professional corporations.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1605 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1605 FEES

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

- (1) Register of licensed psychologists - \$8.00; ~~eight dollars (\$8.00) - register of licensed psychologists;~~
- (2) Renewal of license - \$250.00; ~~two hundred fifty dollars (\$250.00) - renewal of license;~~
- (3) National written examination - \$50.00 plus the cost of the examination set by the vendor; ~~plus fifty dollars (\$50.00) - national written examination;~~
- (4) State examination - \$200.00; ~~two hundred dollars (\$200.00) - state examination;~~
- (5) Ethics renewal examination - \$50.00;
- ~~(5)~~ (6) costs for copies of public records as follows:
 - (a) "actual costs" as defined in G.S. 132-6.2(b) and provided on the Board's website;
 - (b) mailing costs if applicable; and
 - (c) 10 pages or less - no charge; ~~if 10 pages or less;~~
- ~~(6)~~ (7) Application fee - \$100.00; ~~one hundred dollars (\$100.00) - application fee;~~
- ~~(7)~~ (8) Reinstatement fee - \$100.00; ~~one hundred dollars (\$100.00) - reinstatement fee;~~
- ~~(8)~~ (9) Returned check - \$20.00; ~~twenty dollars (\$20.00) - returned check;~~
- ~~(9)~~ (10) ten dollars (\$10.00) - each written license verification, whether submitted individually or on a list;
- ~~(10)~~ (11) costs of disciplinary action as follows:
 - (a) three hundred dollars (\$300.00) - consent order; and
 - (b) three hundred dollars (\$300.00) per hour for a hearing ~~which~~ that results in disciplinary action, with a minimum charge of three hundred dollars (\$300.00) for the first hour or portion thereof, and then prorated thereafter for each half-hour;
- ~~(11)~~ (12) fifty dollars (\$50.00) - registration fee for certificate of registration for professional corporation or professional limited liability company; and
- ~~(12)~~ (13) twenty-five dollars (\$25.00) - renewal fee for certification of registration for professional corporation or professional limited liability company.

*History Note: Authority G.S. 12-3.1(c); 55B-10; 55B-11; 90-270.9; 90-270.15(c); 90-270.18(b)(c); 132-6.2(b);
Legislative Objection Lodged Eff. August 26, 1982;
Eff. September 1, 1982;
Curative Amended Eff. September 28, 1982;
Temporary Amendment Eff. October 1, 1989 For a Period of 180 Days to Expire on April 1, 1990;
Temporary Amendment Eff. October 1, 1990 For a Period of 180 Days to Expire on April 1, 1991;
Amended Eff. January 1, 1991;*

1 *Temporary Amendment Eff. September 1, 1993, for a period of 180 days or until the permanent rule*
2 *becomes effective, whichever is sooner.*
3 *Amended Eff. December 1, 2011; July 1, 1996; April 1, 1994; December 1, ~~1993~~; 1993;*
4 *Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1606

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please note that 150B-19(6) says that an agency "may not adopt a rule that... allows the agency to waive or modify a requirement set in a rule unless a rules establishes specific guidelines the agency must follow in determining whether to waive or modify the requirement. So, please delete "for good reason, in its discretion" and provide the factors that you all will use in determining whether to waive your rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

1 21 NCAC 54 .1606 is proposed for readoption as follows:

2
3 **21 NCAC 54 .1606 WAIVER OF COMPLIANCE WITH RULES**

4 The Board may, for good reason, in its discretion, waive compliance with any of its rules except where to do so would
5 be contrary to statute or applicable regulations of other agencies.

6
7 *History Note: Authority G.S. 90-270.9;*

8 *Eff. August 1, 1984;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*

10 *~~2017.~~ 2017.*

11 *Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1607

DEADLINE FOR RECEIPT: Friday, January 10, 2020

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please sign the Submission for Permanent Rule Form.

Why is this Rule necessary? It appears to relate to the internal management of the Board.

To the extent this Rule is necessary, delete "at any time" and "as may, in the discretion of the Board or chairperson, be desirable" Doing this will likely require some rearranging of the wording of this Rule, but this language is unclear.

What is "substantive policy-making", "regulatory", or "administrative duties and responsibilities"? Is this not addressed by your statutes? Also, I would think that "administrative duties" would be things like mailers, is exactly what I would expect the Board to delegate to staff.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1607 is proposed for readoption as follows:

21 NCAC 54 .1607 DELEGATION OF AUTHORITY

The Board or its chairperson may, at any time, delegate to the executive director, or other employee or agent of the Board, such duties and responsibilities as may, in the discretion of the Board or chairperson, be desirable, other than substantive policy-making, regulatory, or administrative duties and responsibilities.

History Note: *Authority G.S. 90-270.8; 90-270.9;*

Eff. August 1, ~~1984~~ 1984;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1608

DEADLINE FOR RECEIPT: Friday, January 10, 2020

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule? Since your History Note cites 90-270.15(a)(10), I'm assuming that this Rule intends to address "immoral, dishonorable, unprofessional, or unethical conduct"; however, that's not clear.

What is your authority for this Rule? This appears to be specifically addressed by 90-270.15(a)(10) which provides what definition of "immoral, dishonorable, unprofessional, or unethical conduct" is to be used. I note that this directs you all to use 90-270.15(a) and "the then current code of ethics of the American Psychological Association, except as the provisions of such code of ethics may be inconsistent and in conflict with the provisions of [Article 18A], in which case the provisions of [Article 18A] shall apply." I don't see that you all have authority to expand that definition (which is what I read this Rule to be doing.)

To the extent that you have authority for this Rule, why is it necessary? Again, it appears to be specifically addressed by 90-270.15(a)(10).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1608 is proposed for readoption as follows:

21 NCAC 54 .1608 ETHICAL VIOLATIONS

The Board shall use those policies, publications, guidelines, and casebooks developed by the American Psychological Association in determining whether violations of the Ethical Principles of Psychologists have occurred. In addition, publications, guidelines, policies, and statements provided by the Association of State and Provincial Psychology Boards, the National Association of School Psychologists, and other relevant professional associations and bodies may be used in interpreting the Ethical Principles of Psychologists.

*History Note: Authority G.S. 90-270.9; 90-270.15(a)(10);
Eff. January 1, 1986;
Amended Eff. May 1, 1996; September 1, ~~1988~~ 1988;
Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1609

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

A two week time period of what? Do you mean "within two weeks of notification by the Board"? If so, what about those applicants who abandon the application process? Again, two weeks from what? Please review and revise.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1609 is proposed for readoption as follows:

21 NCAC 54 .1609 TERMINATION OF PRACTICE

A licensee whose license is suspended or revoked, an applicant who is notified that he or she has failed an examination for the second time, an applicant who is notified that licensure is denied, or an applicant who discontinues the application process at any point, including failure to complete the process within the stipulated time period, must terminate the practice of psychology within a two week period and confirm such termination in writing to the Board.

History Note: Filed as a Temporary Adoption Eff. December 1, 1993, for a Period of 180 Days or until the permanent rule becomes effective whichever is sooner;

Authority G.S. 90-270.4(h); 90-270.9;

Eff. April 1, ~~1994~~. 1994;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1610

DEADLINE FOR RECEIPT: Friday, January 10, 2020

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a)(1), what is your authority to require that the jurisdiction of licensure be a member of the Association? G.S. 90-270.4(f) does not have this same requirement, it just says "another jurisdiction."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1610 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1610 PRACTICE BY ~~NONRESIDENT~~ PSYCHOLOGISTS WHO ARE NOT RESIDENTS OF NORTH CAROLINA

(a) To practice psychology in North Carolina for up to five days in a calendar year, a ~~nonresident~~ psychologist who is not a resident of North Carolina shall submit the following information to the Board ~~at least five working business~~ days prior to the psychologist engaging in the practice of psychology in North Carolina:

- (1) a written statement from a jurisdiction ~~which~~ that is a member of the Association of State and Provincial Psychology Boards verifying that the psychologist's license is in good standing, that there is no pending disciplinary action against the license, and describing any supervision requirements under which the individual ~~shall practice~~ practices in that jurisdiction;
- (2) ~~notarized~~ a signed or digitally signed supervision statement ~~from non-resident psychologist~~ showing compliance with Paragraph (b) of this Rule; and
- (3) a written report from the ~~nonresident~~ psychologist who is not a resident of North Carolina describing his or her intended practice in North Carolina and, if applicable, the name of the North Carolina psychologist(s) with whom he or she will be associating.

(b) Supervision shall be provided at the same level as that which is required for the ~~nonresident psychologist's practice of the psychologist who is not a resident of North Carolina~~ in the jurisdiction verifying licensure in Subparagraph

(a)(1) of this Rule by a North Carolina permanently ~~Licensed Psychologist~~ licensed psychologist or ~~Licensed Psychological Associate~~ licensed psychological associate who meets the requirements of 21 NCAC 54 .2001.

(c) The Board shall waive the five day notice period specified in Paragraph (a) of this Rule for ~~nonresident licensed psychologists who~~ licensed psychologists or licensed psychological associates who are not residents of North Carolina and are placed in North Carolina by the American Red Cross due to a ~~national, area, or local~~ disaster.

(d) This Rule applies only to the practice of psychology when the psychologist or client/patient are physically located in North Carolina.

History Note: Authority G.S. 90-270.4(f); 90-270.9;

Eff. September 1, ~~1996~~ 1996;

Readopted April 1, 2020.

21 NCAC 54 .1611 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1611 PRACTICE BY POSTDOCTORAL TRAINEES

An individual pursuing postdoctoral training or experience in psychology shall be exempt from licensure pursuant to G.S. 90-270.4(d) if the following criteria are met:

- (1) the postdoctoral training or experience in psychology meets all the criteria set forth in 21 NCAC 54 .2009(i); and
- (2) the individual has completed all doctoral degree requirements ~~for a program in psychology from an institution of higher education as defined in G.S. 90-270.2(5).~~ of a program that was accredited by the American Psychological Association or Canadian Psychological Association at the time the individual graduated from the program. Evidence of completion of all degree requirements shall be in the form of either an official transcript showing the date on which the degree was ~~conferred~~; conferred or a letter from the registrar, dean of graduate school, or director of graduate studies verifying that all substantive and administrative requirements for the doctoral degree have been met without ~~exception~~, exception and stating the date on which the doctoral degree will be awarded.

History Note: Authority G.S. 90-270.4(d); 90-270.9;

Eff. September 1, ~~2005~~, 2005;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1612

DEADLINE FOR RECEIPT: Friday, January 10, 2020

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule? Please consider revising lines 4-5 as "Within 30 days of receipt of written communication from the Board that a criminal history record check is required in accordance with G.S. 90-270.22(a), the licensee shall submit the following information:"

Is the intent here that this Rule apply to both a licensee who is under investigation and to applicants for licensure or reinstatement, or just to those under investigation? I note that the statute allows for both..

Just to verify, licensees can only be licensed psychologists or psychological associates? There are no other types of licensees?

Please review this Rule in light of 90-270.22(a). G.S. 90-270.22(a) appears to put the responsibility on the Board to provide this information to the Department of Public Safety. Please note that your Rule refers to the "Department of Justice." Please also update this reference. Please incorporate this note throughout your Rules.

In Item (1), what are the substantive requirements of the consent form? Please delete "which may be found on the Board's website" and say what the substantive requirements are.

In item (2), what is meant by "which may be requested from the Board or a local sheriff's department"? I read this Rule to say what information has to be provided to you if requested by the Board. So, I read this to say "give this to us, you can get it from us."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1612 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1612 CRIMINAL HISTORY RECORD CHECK

A licensee who is under investigation by the Board shall submit to the Board the following within 30 days of receipt of written communication from the Board or its agent that a criminal history record check is required:

- (1) signed consent ~~form;~~ form, which may be found on the Board's website;
- (2) completed Fingerprint Record ~~Card;~~ Card, which may be requested from the Board or a local sheriff's department;
- (3) payment of fee required by the North Carolina Department of Justice to conduct a criminal history record check; and
- (4) other such form(s) or information as required by the North Carolina Department of Justice to perform a criminal history record check.

History Note Authority G.S. 90-270.9; 90-270.22(a);
Eff. March 1, ~~2008.~~ 2008;
Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1701

DEADLINE FOR RECEIPT: Friday, January 10, 2020

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is meant by (a)(1)(H)? Do you mean whether they have been licensed or applied for licensure in another jurisdiction?

In (a)(1)(J), add "an" in between "previously" and "applicant"

(a)(1)(K) has a lot of "ors" Please review and revise for clarity.

In (a)(1)(L), remove the commas after licensure and examination

In (a)(1)(N), what are you looking for here? Do you mean something like "other fields of work for which the applicant is licensed or certified, or has applied for licensure or certification"?

In (a)(1)(O), change "if hold a" to "whether the applicant holds" or "if holds" as you've done in (b)(1)(N).

In (a)(1)(S), what is the "complete time frame"? Time frame of what? delete "list" and "to cover the complete time frame, and" and just say "all work experience, including..."

In (a)(1)(S), delete "brief"

In (a)(1)(T), what is meant by "brief describe for applying for licensure"? Is this informational or is this an actual requirement of your applicants? If it's information, delete it. If it's a requirement of your people, delete "brief"

In (a)(1)(U), change "which" to "that" Also, what is meant by "Special Accommodation"? IS this as set forth in the ADA?

In (a)(1)(X), what is the "employee misclassification certification"?

In (a)(2), what is the required application fee? Please provide a cross-reference.

In (a)(3)(E), change "have" to "has"

Amber May

Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

(a)(3)(E) has a lot of “ors” Please review and revise for clarity.

When would supervision not be required? Please provide the appropriate cross-reference.

In (a)(4), what is the “signed consent form”? Is this for the background check? Please make that clear.

In (a)(7), what if supervision is not required?

Also in (a)(7), I assume that these forms are to be completed by the supervisor? IF so, please change “from” to “completed by”

Add a semi-colon at the end of (a)(7)(G).

In (a)(8), please begin a new sentence after “doctoral level psychologist” and “the reference form.” This would required you to delete “and” Please also provide the contents of the form in list form.

In (a)(9), is this the same information as in (a)(1)(K) and (N)? If so, do you need this since you appear to be requiring that they provide this information to you already. Is this different documentation? If so, please make that more clear.

Your language for the application in (a)(1) is not consistent with (b)(1). Was that intentional?

In (a)(1), you’ve said “legal name”, in (b)(1), you’ve said “applicant’s legal name.” Please be consistent where you can.

In (b)(1)(B), please add “home” as you’ve done in (a)(1)(B).

In (b)(1)(G), what is a “psychology regulatory board”? I note that in (a)(1)(H), you’ve said “licensure or applicant for licensure by another psychology Board” (but note my comment.)

(b)(1)(H) has a lot of “ors” Please review and revise for clarity.

In (b)(1)(I), remove the commas after licensure.

In (b)(1)(K), what are you looking for here? Do you mean something like “other fields of work for which the applicant is licensed or certified, or has applied for licensure or certification”?

In (b)(1)(Q), delete “list” and “to cover the complete time frame, and” and just say “all work experience, including...”

In (b)(1)(R), what is meant by “brief describe for applying for licensure”? Is this informational or is this an actual requirement of your applicants? If it’s information, delete it. If it’s a requirement of your people, delete “brief”

In (b)(1)(s), change “which” to “that” Also, what is meant by “Special Accommodation”? Is this as set forth in the ADA?

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

In (b)(1)(U), what is the “employee misclassification certification”?

In (b)(3), what is the required application fee? Please provide a cross-reference.

In (b)(8), change “describer” to “described”

In (b)(9), is this the same information as in (a)(1)(H) and (K)? If so, do you need this since you appear to be requiring that they provide this information to you already. Is this different documentation? If so, please make that more clear.

In (b)(10), I don’t understand “as follows” for the Subparagraphs. Are these the applicable organizations? If so, please revise this to say something like “written verification sent directly to the Board that the applicant holds a current credential in good standing for psychology licensure mobility from one of the following:”

In (c), delete “or as requested by the Board”

Given G.S. 90-270.5, is (d) necessary?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .1701 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1701 INFORMATION REQUIRED

(a) Except as provided in Paragraph (b) of this Rule and Rule .1707 of this Section, the information required for each applicant for licensure shall consist of:

(1) a typed or legibly printed, ~~notarized~~ signed or digitally signed application form; form. The form shall include the following information:

(A) legal name;

(B) home mailing address and telephone number;

(C) business name, mailing address and telephone number;

(D) preferred mailing address;

(E) Social Security number;

(F) e-mail address;

(G) date and place of birth;

(H) licensure or applicant for licensure by another psychology board;

(I) if taken, the score on the Examination for Professional Practice in Psychology;

(J) if previously applicant for a license to practice psychology in North Carolina;

(K) if denied a professional license or permit, or privilege of taking an examination, or had a professional license or permit ever disciplined by any licensing authority in North Carolina or elsewhere, or aware of any pending charges against a professional license or permit which are held;

(L) if ever withdrawn an application for licensure, or an application to take a professional licensing examination, in North Carolina or elsewhere;

(M) if ever been convicted of, or entered a plea of guilty or nolo contendere to any felony or misdemeanor other than a minor traffic violation;

(N) other fields of work for which licensed or certified; or made application for licensure or certification;

(O) if hold a diploma from the American Board of Professional Psychology;

(P) whether doctoral program was APA accredited at the time of your graduation;

(Q) names of graduate programs attended and dates degrees awarded;

(R) names and mailing addresses of three professional references, other than supervisors;

(S) list all work experience to cover the complete time frame, and including, any graduate internship, practicum, or other supervised training experience that serves as the basis for current application for licensure;

(T) brief describe for applying for licensure in North Carolina;

(U) any disability which may require some special accommodation in taking licensing examinations;

- 1 (V) if applying for Health Services Provider Certification;
2 (W) if applying for senior psychologist as specified in Rule 1707 of this Chapter; and
3 (X) employee misclassification certification.
- 4 (2) the application fee;
- 5 (3) a typed or legibly printed, ~~notarized~~ signed or digitally signed supervision contract form; form. The
6 form shall include the following information:
- 7 (A) supervisee's name, North Carolina psychology license number and level, mailing address,
8 e-mail address and telephone number;
- 9 (B) supervisee's current work setting;
- 10 (C) if supervision contract form is for an applicant or replaces previous supervision contract
11 form(s);
- 12 (D) supervisor's name and psychology license number, business telephone number, business
13 name and address;
- 14 (E) if the supervisor or the supervisee have ever been denied a professional license or permit
15 or had any disciplinary, remedial, rehabilitative, or other action taken against a professional
16 license, certificate, or permit by any licensing or certification authority in North Carolina
17 or elsewhere; if aware of any pending charges against a professional license, certificate, or
18 permit;
- 19 (F) number of hours per week engaged in the practice of psychology;
- 20 (G) number of hours allotted for individual supervision per week;
- 21 (H) number of individual supervision sessions per week; and
- 22 (I) if supervision is not required.
- 23 (4) a signed consent form, which may be downloaded from the Board's website; a completed
24 Fingerprint Record Card, which can be obtained from the Board office or a local Sheriff's office;
25 and other such form(s) or information as required by the North Carolina Department of Justice to
26 perform a criminal history record check;
- 27 (5) payment of fee required by the North Carolina Department of Justice to conduct a criminal history
28 record check;
- 29 (6) an official transcript(s) sent ~~directly~~ to the Board by any institution of higher education from which
30 the applicant received a graduate degree or otherwise completed graduate course work in
31 psychology;
- 32 (7) the completed supervisor forms from present and past ~~supervisors;~~ supervisor. The form shall
33 include the following information:
- 34 (A) names of applicant and supervisor;
- 35 (B) institution or setting where applicant was supervised;
- 36 (C) supervisor's position at the time supervision occurred;
- 37 (D) applicant's position or title;
- 38 (E) dates of applicant's employment or training;

- (F) dates of supervision of applicant;
- (G) number of hours per week applicant practiced psychology under supervisor's direction
- (H) number of weeks during which applicant practiced psychology under supervisor's direction;
- (I) number of practice of psychology hours accumulated;
- (J) number of health services hours accumulated;
- (K) number of hours per week of individual face-to-face supervision;
- (L) duties performed by applicant;
- (M) if supervisor is licensed as a psychologist in North Carolina or in any other state or jurisdiction in the U.S. or Canada; and
- (N) if the applicant is competent to practice psychology.
- (8) three completed reference forms from professionals who are familiar with the applicant's current work, one of which is from a doctoral level ~~psychologist;~~ psychologist and the reference form shall include names of reference and applicant, time period reference has known applicant, nature of professional relationship, judgment regarding the applicant's training, experience, professional skills, adherence to legal and ethical standards and areas of concern, further comments, and recommendations to the Board;
- (9) a written verification and report on the status of any occupational licensure, including dates of licensure and any disciplinary action ~~which that~~ is pending or has been taken, sent directly to the Board from any other regulatory agency in North Carolina and any other jurisdiction in which the applicant has applied for a license, is currently licensed, or previously was licensed, if applicable;
- (10) an official report of any previous score obtained on the Examination for Professional Practice in Psychology sent directly to the Board from the Association of State and Provincial Psychology Boards, if applicable; and
- (11) any additional documentation regarding educational credentials described in ~~21 NCAC 54 Rules .1802 and 21 NCAC 54 .1803, .1803~~ of this Chapter, if ~~applicable,~~ requested by the Board.
- (b) The information required for each applicant applying for licensure on the basis of holding a current credential for psychology licensure mobility shall consist of:
- (1) typed or legibly printed, ~~notarized~~ signed or digitally signed application form; form. The form shall include the following information:
- (A) applicant's legal name;
- (B) mailing address and telephone number;
- (C) business name, mailing address and telephone number;
- (D) Social Security number;
- (E) e-mail address;
- (F) date and place of birth;

- (G) if ever been licensed or certified by a psychology regulatory board, or made application to such a board;
- (H) if ever been denied a professional license or permit, or privilege of taking an examination, or had a professional license or permit ever disciplined in any way or if aware of any pending charges against a professional license or permit;
- (I) if ever have withdrawn an application for licensure, or an application to take a professional licensing examination;
- (J) if ever have been convicted of, or entered a plea of guilty or nolo contendere to any felony or misdemeanor other than a minor traffic violation;
- (K) other fields of work for which licensed or certified; or made application for licensure or certification;
- (L) if holds a CPQ issued by the Association of State and Provincial Psychology Boards;
- (M) if registrant in the National Register of Health Service Providers in Psychology;
- (N) if holds a diploma from the American Board of Professional Psychology;
- (O) names of graduate programs attended and dates degrees awarded;
- (P) names and mailing addresses of three professional references, other than supervisors;
- (Q) list all work experience to cover the complete time frame, and including, any graduate internship, practicum, or other supervised training experience that serves as the basis for current application for licensure;
- (R) brief description for applying or reapplying for licensure in North Carolina;
- (S) any disability which may require some special accommodation in taking licensing examinations;
- (T) if applying for Health Services Provider Certification; and
- (U) employee misclassification certification.
- (2) affidavit ~~which that~~ attests to having no unresolved complaint in any jurisdiction at the time of application in North Carolina;
- (3) application fee;
- (4) typed or ~~legibly~~ printed, ~~notarized~~ signed or digitally signed supervision contract ~~form; form as described in Subparagraph (a)(3) of this Rule;~~
- (5) signed consent form, which can be downloaded from the Board's website, completed Fingerprint Record Card, which can be obtained from the Board office or a local Sheriff's office, and other such form(s) or information as required by the North Carolina Department of Justice to perform a criminal history record check;
- (6) payment of fee required by the North Carolina Department of Justice to conduct a criminal history record check;
- (7) official transcript sent ~~directly~~ to the Board by the institution of higher education from which the applicant received his or her doctoral degree in psychology; or if applicable, a copy of the transcript

sent directly to the Board by either the Association of State and Provincial Psychology Boards, National Register of Health Service Providers in Psychology, or American Board of Professional Psychology;

(8) three completed reference ~~forms~~ forms, as ~~describer in Subparagraph (a)(8) of this Rule~~, from professionals who are familiar with the applicant's current work, one of which is from a doctoral level psychologist;

(9) written verification and report on the status of any occupational licensure, including dates of licensure and any disciplinary action which is pending or has been taken, sent directly to the Board from any other regulatory agency in North Carolina and any other jurisdiction in which the applicant has applied for a license, is currently licensed, or previously was licensed;

(10) written verification sent directly to the Board from the applicable organization(s) that the applicant holds a current credential in good standing for psychology licensure mobility, as follows:

(A) Certificate of Professional Qualification (CPQ) from the Association of State and Provincial Psychology Boards;

(B) registrant in the National Register of Health Service Providers in Psychology; or

(C) diplomate of the American Board of Professional Psychology; and

(11) documentation of meeting requirements for health services provider certification as specified in Section .2700 of this Chapter, if applicable.

(c) An application shall contain all ~~required~~ materials required under Paragraph (a) or (b) of this Rule or as requested by the Board to be complete. The application forms may be found on the Board website. An incomplete application shall be active for three months from the date on which the application is received in the Board office. At the end of such time, if still incomplete, the application shall be void, and the applicant shall be deemed to have discontinued the application process. If the individual chooses to pursue licensure at a later date, the individual shall ~~totally~~ reapply.

(d) To be considered to have made application pursuant to G.S. 90-270.5(a), the information specified in Subparagraphs (a)(1) through (a)(5) of this Rule, or Subparagraphs (b)(1) through (b)(6) of this Rule if applying on the basis of a mobility credential, shall be filed in the Board office within 30 days of offering to practice or undertaking the practice of psychology in North Carolina.

History Note: Authority G.S. 90-270.4(h); 90-270.5(a); 90-270.9; ~~90-270.11(a),(b);~~ 90-270.11(a); 90-270.11(b); 90-270.13(a)(b); 90-270.13(a); 90-270(a1)(6); 90-270.13(b); 90-270.15; 90-270.22(a);

Eff. September 1, 1982;

Amended Eff. March 1, 2008; September 1, 2005; January 1, 1996; November 1, 1991; March 1, 1989; June 1, ~~1988~~; 1988;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1702

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Why is "Policy" contained in the Rule title? Please note that the APA defines a "policy" as a non-binding interpretive statement. Rules and policies are two different things. Please delete "Policy"

Just so I understand what is going on here, does the evaluation service determine the equivalency of the program or is there any discretion of the Board?

I'm confused by (a) and (b). Are they supposed to have the original documents sent to you all or is the course-by-course evaluation by the member of the NACES sent to you? (a) says "Documentation shall be in the form... submitted directly ... from an evaluation service...", but (b) says that "only original documents" shall be sent. Is the documentation in (b) being sent to you all or the member of the NACES? I think it's you all given the language in (c). Please review and clarify.

In (d), upon written request of whom? The applicant asking that you all approve the translator? How will you all determine whether you will approve a translator? What factors will you use in making this determination?

On line 23, delete the comma in between "Board" and "or a board designee"

On line 23, who might the "board designee" be? Staff?

On line 24, what is meant by "close personal relationship"? Delete or define "close personal."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1702 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1702 FOREIGN DEGREE APPLICATION POLICY

(a) Applicants applying for licensure on the basis of a foreign degree shall provide documentation, in addition to the information required in 21 NCAC 54 ~~.1701, .1701~~ which that establishes the following:

- (1) the existence of the ~~degree-granting~~ degree-granting institution;
- (2) the ~~authenticity~~ validity of the degree, transcripts, and any supporting documents;
- (3) the equivalence of the degree in terms of level of training, content of curriculum, and course credits; and
- (4) the equivalence of any supervised experience obtained ~~in the foreign country.~~ outside the United States.

Documentation shall be in the form of a course-by-course evaluation of credentials submitted directly to the Board from an evaluation service that is a member of the National Association of Credentials Evaluation Services, Inc. A listing of members can be found on the National Association of Credentials Evaluation Services, Inc. website, www.naces.org.

(b) Except as described in Paragraph (c) of this Rule, only official original documents shall be submitted in support of the application and shall be received directly from the institution(s) or individual(s) involved.

(c) When an official original document cannot be provided directly by the institution or individual involved, an original document possessed by the applicant ~~may~~ shall be reviewed and copied by a Board member or designee.

(d) Any document ~~which that~~ is in a language other than English shall be accompanied by a translation with ~~notarized~~ a written verification of the translation's accuracy and completeness. that the translation into English is accurate and complete. This translation shall be completed by an individual, other than the applicant, who upon written request is approved by the ~~Board~~ Board, or a Board designee, and ~~demonstrates no conflict of interest.~~ who does not have a close personal relationship with the applicant. Such individuals include college or university language faculty, a translation service, or an American consul.

~~(e) An applicant's references shall include individuals from member jurisdictions of the Association of State and Provincial Psychology Boards, including a doctoral level psychologist familiar with the applicant's professional practice of psychology.~~

*History Note: Authority G.S. 90-270.9; 90-270.11(c);
Legislative Objection Lodged Eff. August 26, 1982;
Eff. September 1, 1982;
Curative Amended Eff. September 28, 1982;
Amended Eff. July 1, 2008; October 1, 1995; March 1, 1989; June 1, 1988; 1988;
Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1703

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is meant by "digitally signed"? Is this to get to an electronic application? If so, I think it's fine. I just want to be sure that I understand.

In (a)(1), who is determining whether the standards are "substantially equivalent"? As written, this Rule currently requires both that the applicant make this determination through an affidavit and says that the Board will make the determination. What is the intent here? If it is the Board making the determination, how will this be done? What factors will they use?

In (a)(1), I assume that you're using "substantially equivalent" to track statute?

Is the intent that they submit 1) the application form; 2) the affidavit; 3) written statement from jurisdiction; 4) written statement regarding supervision; and 5) fee? If so, (1) and (2) need to be clarified.

Also, please break (a)(2) into two separate Parts (one for the 5 day notification (I note that I don't think you can require they apply for a license as they are exempted under 90-270.4(f)) and the other for the 30 day temporary license. Perhaps it would make sense to break the 5 day notification requirement into a separate Paragraph since the standards of review are different?

In (a)(2), what is a "5 day temporary license"? I read 90-270.4(f) to allow a nonresident psychologist to practice in North Carolina for up to 5 days without a license. They just have to notify you and adhere to any supervision requirements. In the intent here to get to what you want in your notification?

In (a)(2), remove any references to "you"

Please provide the substantive requirements of the form in (a)(2) in a list form.

In (a)(2), delete "brief"

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

What is the intent of line 29? The way that I read this, if I apply for a temporary license, I can get one for 30 consecutive days (January 1- January 30, for example), but I don't read 90-270.5(f) to require that I do this all at the same time. I read the authorizing statute to allow me to practice in this State for up to 30 days throughout the year. Please review and clarify.

Also, please begin line 29 as a new Paragraph.

On line 32, how can a licensed psychological associate supervise a nonresident psychologist? What is your authority to allow this? G.S. 90-270.5(e) requires supervision by a "qualified licensed psychologist... or by other qualified professionals under the overall direction of a qualified licensed psychologist..." for certain services. So, here, is this psychological associate acting as a supervisor under the direction of a qualified licensed psychologist? Or, are the supervisees not performing the duties set forth in (e) of G.S. 90-270.5?

Given .2103, is (b) necessary? I understand the first sentence; however, is the rest of the Paragraph not addressed by .2103?

What happens if a licensee does not take the first exam he or she is admitted to? How does this go with .1903?

Also, what examination? Is this the national examination? I see that .1903 seems to contemplate more than just the national exam, but this Rule doesn't make that clear.

Also, what is meant by "if applicable"? Will an applicant for reinstatement not always have to take an exam?

On line 4, what is the "time period stipulated in Rule .2103"?

On line 6, change "Rule" back to "Section"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .1703 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1703 TEMPORARY LICENSES

(a) To be issued a temporary license to practice psychology in North Carolina, a ~~nonresident~~ psychologist who is not a resident of North Carolina shall submit the following information to the Board at least 10 ~~working~~ business days prior to the psychologist engaging in the practice of psychology in North Carolina:

- (1) a typed, or legibly printed, ~~notarized~~ signed or digitally signed temporary license application form, including an affidavit that the standards under which the ~~nonresident~~ psychologist who is not a resident of North Carolina is licensed in another jurisdiction are substantially equivalent to or higher than the requirements of G.S. 90-270.1 et seq.; seq., as determined by the Board;
- (2) For a 5 day temporary license, the temporary license application form shall include the following information: name of application; degree awarded; mailing address; telephone number; Social Security number; name of jurisdiction in which you licensed, including date of licensure, and license number; dates of intended practice in North Carolina, name of North Carolina psychologist(s) with whom you will be associating, if applicable; description of intended practice in North Carolina; and whether required to be supervised for practice in the jurisdiction in which applicant is licensed. An applicant for a 30 day temporary license shall also include the following information: whether ever disciplined by any licensing authority in North Carolina or elsewhere, or aware of any pending charges against a professional license or permit which is held; brief description for applying for temporary licensure in North Carolina; and if applicant wants to be considered for temporary health services provider certification.
- (3) a written statement from ~~a~~ any jurisdiction which is a member of the Association of State and Provincial Psychology Boards where the psychologist is licensed that the psychologist's license is in good standing, that there is no pending disciplinary action against the license, and describing any supervision requirements under which the individual shall practice practices in that jurisdiction;
- (4) ~~notarized~~ a signed or digitally signed statement showing compliance with supervision requirements specified in this Paragraph; Subparagraph (a)(2) of this Rule; and
- (5) the temporary license fee; fee set forth in G.S. 90-270.18(b)(8).

Only one 30-day temporary license shall be issued to an individual in any calendar year. Supervision shall be provided at the same level as that which is required for the ~~psychologist's~~ psychologist who is not a resident of North Carolina in the jurisdiction verifying licensure in Subparagraph ~~(a)(2)~~ (a)(3) of this Rule by a North Carolina permanently ~~Licensed Psychologist~~ licensed psychologist or ~~Licensed Psychological Associate~~ licensed psychological associate who meets the requirements of ~~21 NCAC 54 Rule .2001-~~ 2001 of this Chapter.

(b) ~~To be issued a temporary license to practice psychology in North Carolina, a psychologist requesting reinstatement of licensure shall submit~~ A psychologist requesting reinstatement of licensure may apply for a temporary license to practice psychology in North Carolina by submitting the information listed in 21 NCAC 54 .2103. A temporary

1 license issued under this Paragraph ~~is~~ shall be valid until the applicant takes the first examination to which he or she
2 is admitted by the Board, if applicable, and is notified of the results, and until the reinstatement fee set forth in Rule
3 .1605(8) of this Chapter is paid. This license shall not be issued, reissued, or extended if the applicant fails the
4 examination, fails to appear for the examination, or fails to remit the required fees within the time period stipulated in
5 ~~21 NCAC 54 Rule .2103.~~ .2103 of this Chapter. A temporary licensee shall comply with supervision requirements
6 specified in ~~Section~~ Rule .2000 of this Chapter for the same level of licensure for which application for reinstatement
7 is approved.

8
9 *History Note:* Authority G.S. ~~90-270.5(f),(g);~~ 90-270.5(f); 90-270.5(g); 90-270.9;

10 *Eff. September 1, 1982;*

11 *Amended Eff. September 1, 1996; October 1, 1991; March 1, 1989; June 1, ~~1988.~~ 1988;*

12 *Readopted April 1, 2020.*
13

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1705

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Much of this Rule appears to be unnecessary. I assume that the overall intent of this Rule is to require a psychologist to display his or her license or have their wallet licensure card. So, do you need anything other than lines 7-10?

If you do need all of this Rule, please consider breaking it into Paragraphs.

What are "all of the requirements"? Do you mean in accordance with your rules and statutes? Please provide some additional information.

Do you need lines 5-7? If so, please put the license requirements in list form (I think that you can include the official seal as part of that list.)

Where is the licensee to display the licensure certificate? Can he or she display it in his or her home?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1705 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1705 ISSUANCE OF LICENSE

An applicant who has met all of the requirements for licensure as either a licensed psychologist or licensed psychological associate ~~is~~ shall be issued a certificate of licensure. This license shows the date, license number, licensee's ~~name and~~ name, academic degree upon which licensure is based, level of licensure, and the signatures of all current Board members. The official seal is affixed to ~~each~~ the certificate of licensure. ~~A~~ The licensee shall display the licensure certificate ~~in his or her principal place of employment or have the Board-issued wallet licensure card available for view upon request by the licensee's patients or clients, at any time when the licensee is practicing~~ psychology.

*History Note: Authority G.S. 90-270.9;
 Eff. September 1, 1982;
 Amended Eff. July 1, ~~1996~~, 1996;
 Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1706

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

When would this Rule apply? When would they need to "reapply"? Please provide some additional information.

On line 4, delete "again" (its redundant of "reapply")

On line 6, change "will" to "shall"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

1 21 NCAC 54 .1706 is proposed for readoption with substantive changes as follows:

2
3 **21 NCAC 54 .1706 REAPPLICATION**

4 To ~~reapply~~, reapply for licensure, an applicant must again submit all information listed in ~~21 NCAC 54 Rule .1701 of~~
5 this Chapter Information Required and, if applicable, Rule .1702 Foreign Degree Application Policy of this Chapter.

6 A reapplication will be reviewed under the statutes and rules in effect on the date of reapplication.

7
8 *History Note: Authority G.S. 90-270.9; 150B-11(1);*

9 *Eff. October 1, ~~1991~~. 1991;*

10 *Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1707

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please consider deleting Paragraph (a). I don't see what it adds. The requirements are actually in (b) and (d).

In (b)(1) and (c)(1), change "which" to "that" in "which are members"

In (b)(1) and (c)(1), what is meant by "other state"? Can a NC licensed psychologist not qualify as a Senior psychologist?

What is the intent of (c) and (e)? I read them both to say that if you received your degree prior to 1978, you've got to meet all of the requirements of Paragraphs (b) and (d). They have to do this anyway. What's the purpose of these Paragraphs? I don't understand how these serve as exceptions. Is the difference that their degree doesn't have to be in psychology?

In (f)(2), delete the extra 7. I think you mean Rule .1701(a)(3).

In (f)(3), what is the application fee? Please provide the appropriate cross-reference.

In (f)(8), change "which" to "that"

In (g), what is meant by "or as requested by the Board"? Either delete this language or say how this determination will be made.

In (h), I don't understand the cross-reference to 90-270.5(a). What is the intent of this Paragraph. Do you need this given 90-270.5(a)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1707 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1707 SENIOR PSYCHOLOGIST

(a) A senior psychologist is someone who has achieved longevity in the practice of psychology as set forth in Subparagraphs (b)(1) and (d)(1) of this Rule and has demonstrated exemplary professional behavior over the course of ~~his/her~~ his or her career, career as defined in this Rule. as set forth in Subparagraphs (b)(2) and (d)(2) of this Rule.

(b) Except as provided in Paragraph (c) of this Rule, to be approved for licensure at the Licensed Psychologist level on the basis of senior psychologist status, an applicant shall hold a doctoral degree in psychology from an institution of higher education and shall meet all of the following requirements:

- (1) is licensed and has been licensed for 12 continuous years at the doctoral level by one or more other state or provincial psychology boards which are members of the Association of State and Provincial Psychology Boards, during which time, and in which jurisdiction(s), ~~he/she~~ he or she has practiced psychology for a minimum of 10 years for at least ~~on at least a half time (i.e., 20 hours per week;~~ week) basis;
- (2) has had no disciplinary sanction during ~~his/her~~ his or her period of licensure in any jurisdiction;
- (3) has no unresolved disciplinary complaint with a licensing board in any jurisdiction at the time of application or during the pendency of application in North Carolina; and
- (4) passes the ~~North Carolina State State Examination~~ examination.

(c) An applicant who received the doctoral degree prior to January 1, 1978, upon which his or her psychology licensure in another jurisdiction is based, shall hold a doctoral degree from an institution of higher education and meet all of the requirements specified in Subparagraphs (b)(1) through (b)(4) of this Rule.

(d) Except as provided in Paragraph (e) of this Rule, to be approved for licensure at the Licensed Psychological Associate level on the basis of senior psychologist status, an applicant shall hold a master's, specialist, or doctoral degree in psychology from an institution of higher education and shall meet all of the following requirements:

- (1) is licensed and has been licensed for 12 continuous years at the master's level by one or more other state or provincial psychology boards which are members of the Association of State and Provincial Psychology Boards, during which time, and in which jurisdiction(s), ~~he/she~~ he or she has practiced psychology for a minimum of 10 years for at least ~~on at least a half time (i.e., 20 hours per week;~~ week) basis;
- (2) has had no disciplinary sanction during ~~his/her~~ his or her entire period of licensure in any jurisdiction;
- (3) has no unresolved disciplinary complaint with a licensing board in any jurisdiction at the time of application or during the pendency of application in North Carolina; and
- (4) passes the ~~North Carolina State State Examination~~ examination.

(e) An applicant who received the degree prior to January 1, 1978, upon which his or her psychology licensure in another jurisdiction is based, shall hold a master's, specialist, or doctoral degree from an institution of higher education and meet all of the requirements specified in Subparagraphs (d)(1) through (d)(4) of this Rule.

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

- (1) a typed or legibly printed ~~notarized~~ signed or digitally signed application form, form, as described in Rule .1701(a)(1) of this Chapter, including and an affidavit which that attests to meeting the requirements specified in Subparagraphs (b)(1) through (b)(3) or Subparagraphs (d)(1) through (d)(3) of this Rule, as applicable;
- (2) a typed or ~~legibly printed, notarized~~ signed or digitally signed supervision contract form; form as described in Rule .17071(a)(3) of this Chapter;
- (3) the application fee;
- (4) a signed consent form, completed Fingerprint Record Card, and other such form(s) or information as required by the North Carolina Department of Justice to perform a criminal history record check;
- (5) payment of fee required by the North Carolina Department of Justice to conduct a criminal history record check;
- (6) an official college transcript(s) sent ~~directly~~ to the Board by any training institution(s) from which the applicant received a graduate degree;
- (7) three completed reference ~~forms~~ forms, as described in Rule .1701(a)(8) of this Chapter, from professionals who are familiar with the applicant's current work, one of which is from a doctoral level psychologist; and
- (8) a written verification and report on the status of any occupational licensure, including dates of licensure and any disciplinary action which is pending or has been taken, sent directly to the Board from any other regulatory agency in North Carolina and any other jurisdiction ~~in which~~ where the applicant has applied for a license, is currently licensed, or previously was licensed.

(g) An application shall contain all ~~required~~ materials required under Subparagraph (f) of this Rule or as requested by the Board to be complete. An incomplete application shall be active for three months from the date on which the application is received in the Board office. At the end of such time, if still incomplete, the application shall be void, and the applicant shall be deemed to have discontinued the application process. If the individual chooses to pursue licensure at a later date, the individual shall ~~totally~~ reapply.

(h) To be considered to have made application pursuant to G.S. 90-270.5(a), the information specified in Subparagraphs (f)(1) through (f)(5) of this Rule shall be filed in the Board office within 30 days of offering to practice or undertaking the practice of psychology in North Carolina.

History Note: Authority G.S. ~~90-270.4(h);~~ 90-270.5(a); 90-270.9; ~~90-270.13(a),(e);~~ 90-270.13(a); 90-270.13(e); 90-270.22(a);
Eff. January 1, 1996;
Amended Eff. March 1, 2008; August 1, ~~2006~~ 2006;
Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1802

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Just so I understand, there is not a similar accrediting body for the program as there is for licensed psychologists under .1803 (American Psychological Association or the Canadian Psychological Association)?

In (a)(1), change "intent" to "purpose" on line 7.

In (a)(2), format the change in punctuation at the end of "area" in accordance with 26 NCAC 02C .0108(7). This is an issue throughout this Rule.

In (a)(3) and (4), what is "identifiable" and by whom? What is the overall intent of this language? Is the intent here that it not be an exclusively online program?

In (a)(4), what is "full-time"? Is this left to the school to designate? If so, I think it's fine.

In (a)(4), what is meant by "sufficient in size and breath to carry out its responsibilities? What responsibilities?

In (a)(4), do you need by "employed by and providing instruction at"? This seems redundant of the requirement that the program have "full time psychology faculty in residence" (though I think that "employed by and providing instruction" is much more clear and if you're going to delete some language, I think it should be the former.) Here, do you mean something like "There shall be full-time psychology faculty employed by and providing instruction at the physical campus of the institution"? If so, why not just say that?

In (a)(7), what is "the equivalent of a minimum of one academic year..."?

In (a)(7), what is full-time versus part-time? Can a student get 30 semester hours on a part time basis in one year?

In (a)(7), what is meant by "in-person"? Are electronic means acceptable?

On line 31, delete "as defined in G.S. 90-270.2(8)"

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

As written, I think that (a)(8)(A) is unclear. What are the actual requirements of the program? What are they supposed to be doing?

In (a)(8)(A), what is a “planned and directed program”? What are the actual requirements?

In (a)(8)(A), what is meant by “in contrast to on-the-job training”? What is the intent of this language?

In (a)(8)(B), what is the difference in “the training site” and “the supervised training experience site”? Are they the same? If so, use consistent language. As written, it’s unclear if these are two different things.

In (a)(8)(C), I assume that if there is a psychological associate supervising the student, then he or she is not involved in any of the services set forth in 90-270.5(e)?

In (a)(8)(C), what is meant by the “integrity and quality”? I would suggest you delete this language and just say “The training site shall have a designated licensed or certified psychologist or psychological associate responsible for the training experience.” I assume the intent here essentially to have someone for the student to report to. If so, why not just say that?

In (a)(8)(E), please fix your formatting for the deletion of (a)(8).

In (a)(8)(G) and (H), why have you changed “face to face” to “In person”? I note that face to face is defined.

Please review (a)(8)(G) for clarity. I think it’s missing a word. I don’t know what “induvial in person supervision oversees the practice of psychology shall be provided” means.

In (a)(8)(H), delete or define “regularly”

In (a)(9), change “thesis/dissertation” to “thesis or dissertation”

In (b), line 19, change “specified course content” to “standard psychology courses” to use consistent language with (a)(9).

On line 21, delete “as defined by G.S. 90-270.2(5)”

In (c), delete “as specified in Subparagraph (a)(9) of this Rule”

What is going on with (d)? When would this be applicable?

Is (e) necessary? Is this not covered by G.S. 90-270.5(d)(3)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .1802 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1802 PSYCHOLOGICAL ASSOCIATE

(a) Licensure for the level of psychological associate ~~shall requires~~ require a master's degree or specialist degree in psychology from an institution of higher education. The degree program shall meet all of the following requirements:

- (1) The program shall be identified and labeled as a psychology ~~program; program, such a~~ The program shall specify in institutional catalogues its intent to educate and train students to engage in the activities ~~which that~~ constitute the practice of psychology as defined in G.S. 90-270.2(8).
- (2) The program shall maintain authority and primary responsibility for the core and specialty areas, ~~even if the program crosses administrative lines.~~
- (3) The program shall have an identifiable body of students in residence at the physical campus of the institution who are matriculated in that program for a degree.
- (4) There shall be an identifiable full-time psychology faculty in residence at the physical campus of the institution, sufficient in size and breadth to carry out its responsibilities, employed by and providing instruction at the ~~home campus of~~ physical campus of the institution.
- (5) There shall be a psychologist responsible for the student's program, either as the administrative head of the program, or as the advisor, ~~major~~ professor, or committee chair for the individual student's program.
- (6) The program shall be an integrated, organized sequence of study in psychology as demonstrated by ~~an identifiable~~ a curriculum track or tracks wherein course sequences and course content are described in institutional catalogues, departmental handbooks, or other institutional publications.
- (7) The program shall encompass the equivalent of a minimum of one academic year of full-time graduate study in student residence at the institution from which the degree is granted. Residence requires in person interaction with psychology faculty and other matriculated psychology students at the physical campus of the institution. One year's residency is defined as 30 semester (45 quarter or 40 trimester) hours taken on a full-time or part-time basis in person at the physical campus of the institution. ~~institution over the course of one year.~~
- (8) The program shall include supervised training experience, as listed on the transcript. ~~For purposes of this Rule, "supervised trained experience" shall include an~~ internship, externship, practicum, or other supervised field experience appropriate related to the area of specialty and the practice of psychology, as defined in G.S. 90-270.2(8). ~~which shall be referred to hereinafter as supervised training experience.~~ This supervised training experience shall meet all of the following criteria:
 - (A) It shall be a planned and directed program of training for the practice of psychology, in contrast to on-the-job training, and shall provide the trainee with a planned and directed sequence of training that is integrated with the educational program in which the student is enrolled. This supervised training experience shall be planned by the educational program faculty and training site staff, rather than by the student.

- 1
- 2 (B) The supervised training experience shall have a written description ~~detailing~~ of the program
- 3 of training, or a written agreement, developed prior to the time of the training, between the
- 4 student's educational program and the training site, detailing the responsibilities of the
- 5 student and the supervised training experience site. ~~Such an~~ The agreement shall be
- 6 approved by the student's educational program prior to the beginning of the supervised
- 7 training experience.
- 8 (C) The supervised training experience site shall have a designated ~~and appropriately~~-licensed
- 9 or certified psychologist or psychological associate responsible for the integrity and quality
- 10 of the supervised training experience.
- 11 (D) A student enrolled in a supervised training experience shall be designated as any of the
- 12 following: an "intern," "extern," or "practicum student," or shall hold a title ~~which that~~
- 13 ~~indicates~~ provides training status for the practice of psychology.
- 14 (E) The supervised training experience shall be a minimum of 12 weeks consisting of at least
- 15 500 hours of supervised training. At least 400 hours of the training shall be in the practice
- 16 ~~in~~ of psychology, ~~as defined by G.S. 90-270.2(8).~~ Supervision for this supervised training
- 17 experience shall be provided as required by Parts ~~(a)(8)(G)~~ or ~~(a)(8)(H)~~ of this
- 18 Subparagraph. Rule.
- 19 (F) The supervised training experience shall be completed within a period of 12 consecutive
- 20 months at not more than two training sites.
- 21 (G) Except as provided in Part ~~(a)(8)(H)~~ of this Subparagraph. Rule, ~~regularly scheduled~~
- 22 individual ~~face-to-face~~ in person supervision ~~with the specific intent of that overseeing~~
- 23 ~~oversees~~ the practice of psychology shall be provided by a North Carolina licensed ~~or~~
- 24 ~~certified~~ psychologist or psychological associate or by a psychologist who is exempt from
- 25 licensure, pursuant to G.S. 90-270.4(b), at a rate of not less than one hour per week during
- 26 at least 12 separate weeks of the supervised training experience. The supervisor shall
- 27 establish and maintain a level of supervisory contact consistent with professional standards
- 28 and shall be accessible to the student.
- 29 (H) If completing a supervised training experience outside of North Carolina, the student shall
- 30 be provided regularly scheduled individual ~~face-to-face~~ in person supervision ~~with the~~
- 31 ~~specific intent of that overseeing~~ oversees the practice of psychology by a licensed or
- 32 certified psychologist or psychological associate or by an individual holding a master's,
- 33 specialist, or doctoral degree in psychology, at a rate of not less than one hour per week
- 34 during at least 12 separate weeks of the supervised training experience. The supervisor
- 35 shall establish and maintain a level of supervisory contact consistent with professional
- 36 standards and shall be accessible to the student. Proof of the supervisor's license or degree

1 program, ~~as applicable, may~~ shall be required by the Board to establish the supervisor's
2 training in psychology.

3 (9) Except as provided in Paragraph (b) of this Rule, the program of study shall include a minimum of
4 45 semester (68 quarter or 60 trimester) hours of graduate study in standard psychology courses,
5 including courses drawn from academic psychology (e.g., social, experimental, physiological, and
6 ~~developmental, developmental psychology, and history and systems of psychology~~), statistics and
7 research design, scientific and professional ethics and standards, and a specialty area. Of the
8 required 45 semester (68 quarter or 60 trimester) program hours, not more than 6 semester (9 quarter
9 or 8 trimester) hours shall be credited for ~~internship/practicum~~ supervised training experience and
10 not more than 6 semester (9 quarter or 8 trimester) hours shall be credited for thesis/dissertation.
11 No credit shall be allowed for audited courses or courses taken at an institution which does not meet
12 the definition of an "institution of higher education" as defined by G.S. 90-270.2(5).

13 (b) If an individual's degree program did not include a minimum of 45 semester (68 quarter or 60 trimester) hours of
14 course content, as defined in Subparagraph (a)(9) of this Rule, but included a minimum of 39 semester (59 quarter or
15 52 trimester) hours of graduate study in standard psychology courses, as specified in Subparagraph (a)(9) of this Rule,
16 allowing not more than 6 semester (9 quarter or 8 trimester) hours for ~~practicum/internship~~ supervised training
17 experience and 6 semester (9 quarter or 8 trimester) hours for thesis/dissertation, the individual shall be allowed to
18 take, and must pass with a grade of "B" or above, additional graduate level course work to meet the hourly requirement
19 ~~specified~~ in Subparagraph (a)(9) of this Rule. The individual shall complete specified course content, as defined by
20 Subparagraph (a)(9) of this Rule, to meet the minimum educational requirements to apply for licensure. The
21 ~~aforementioned~~ course work shall be completed at an institution of higher education, as defined by G.S. 90-270.2(5),
22 in a graduate psychology program in the same specialty area as the degree program completed by the individual and
23 shall be reported on an official transcript. ~~The institution of higher education which permits a student to take additional~~
24 ~~course work shall be construed as being responsible only for the specific course work taken at that institution and not~~
25 ~~for the student's entire course of study, unless the student's entire program was completed at that institution.~~ No credit
26 shall be accepted by the Board for audited courses. This additional graduate level course work shall not duplicate
27 course work taken by the individual in his or her degree program or prior to admittance to his or her degree program
28 and shall be completed in one or more of the following areas:

- 29 (1) academic psychology (e.g., social, experimental, physiological, and/or developmental,
30 developmental psychology, and history and systems of psychology);
31 (2) statistics and research design;
32 (3) scientific and professional ethics and standards; or
33 (4) electives offered in the course of study for the individual's specialty area (e.g., clinical psychology,
34 counseling psychology, school psychology, or other specialty area in psychology).

1 (c) If an individual's degree program did not include a minimum of 39 semester (59 quarter or 52 trimester) hours in
2 standard psychology courses, as specified in Subparagraph (a)(9) of this Rule, allowing not more than 6 semester (9
3 quarter or 8 trimester) hours for ~~practicum/internship supervised training experience~~ and not more than 6 semester (9
4 quarter or 8 trimester) hours for thesis/dissertation, the individual shall not be allowed to obtain additional hours at a
5 post-graduate level to meet the hourly requirements in Subparagraph (a)(9) of this Rule.

6 (d) An individual shall not, under any circumstance following the completion of the individual's master's or specialist
7 degree in psychology, be allowed to complete a practicum, internship, or other supervised training experience
8 requiring the individual to practice psychology in order to meet the minimum educational requirement.

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

14
15 *History Note: Authority G.S. 90-270.9; 90-270.11(b);*

16 *Eff. September 1, 1982;*

17 *Amended Eff. August 1, 2006; July 1, 1997; October 1, 1991; August 1, ~~1984~~, 1984;*

18 *Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1803

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Format changes in accordance with 26 NCAC 02C .0108(7). This is an issue throughout this Rule.

In (a), please consider tracking the language in .1802(a) and 1) change "requires" to "shall require"; 2) delete "based on a planned and directed program of studies" (I understand you've tracked statute); 3) delete "applicant's" on line 5; 4) delete "hereinafter referred to as "program"; and 5) change "have been" to "be" in "have been accredited"

In (a)(1), delete "publicly" and "clearly." I understand that this is tracking statute.

In (a)(1), begin a new sentence with "Such a program." Change "Such a" to "the"

In (a)(1), should "psychologists" be "students" on line 11?

In (a)(3) and (4), what is "identifiable" and by whom? What is the overall intent of this language? Is the intent here that it not be an exclusively online program?

In (a)(4), what is "full-time"? Is this left to the school to designate? If so, I think it's fine.

In (a)(4), what is meant by "sufficient in size and breath to carry out its responsibilities? What responsibilities?

In (a)(4), do you need by "employed by and providing instruction at"? This seems redundant of the requirement that the program have "full time psychology faculty in residence" (though I think that "employed by and providing instruction" is much more clear and if you're going to delete some language, I think it should be the former.) Here, do you mean something like "There shall be full-time psychology faculty employed by and providing instruction at the physical campus of the institution"? If so, why not just say that?

In (a)(6), do you want to track similar language as is in .1802(a)(6)? If not, where are these to be outlined?

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

In (a)(6), change “an” to “a” before “curriculum” on line 24.

In (a)(7), what is full-time versus part-time? Can a student get 30 semester hours on a part time basis in one year?

In (a)(8), please change “appropriate to” to “related to”

In (a)(9) and throughout this Rule, change “internship/practicum” to “internship or practicum” and “thesis/dissertation” to “thesis or dissertation” I note that thesis and dissertations are not included in (a)(8). Was that intentional?

In (a)(9), is the program of study the two years of institutional education as referenced in (a)(6)?

In (a)(9), change “which” to “that” in “which does not...”

In (a)(10), delete “coursework in the four substantive content areas identified in this Subparagraph; this shall be met through” and just say “This program shall include a minimum of three semester (five quarter or four trimester) hours in each of the following content areas:”

Just so I understand what’s going on with (b), if a student is at a school that only offers 54 hours of psychology, he or she can take a statistics class (or 2) to get that last 6 hours (assuming he or she has not previously taken statistics)?

In (b), line 22, change “specified course content” to “standard psychology courses” to use consistent language with (a)(9).

In (c), where is 54 semester (81 quarter or 72 trimester) hours coming from?

In (c), delete the first cross-reference to (a)(9) and (10).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .1803 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1803 LICENSED PSYCHOLOGIST

(a) Licensure for the level of licensed psychologist requires a doctoral degree based on a planned and directed program of studies in psychology from an institution of higher education. The applicant's doctoral program, hereinafter referred to as "program," shall ~~be one which was~~ have been accredited by the American Psychological Association or the Canadian Psychological Association at the time of the individual's graduation from the program, or one which meets all of the following requirements:

- (1) The program shall be publicly identified and clearly labeled ~~as~~ a psychology program; such a program shall specify in ~~pertinent~~ institutional catalogues its ~~intent-purpose~~ to educate and train psychologists to engage in the activities ~~which~~ that constitute the practice of psychology as defined in G.S. 90-270.2(8).
- (2) The program shall maintain authority and primary responsibility for the core and specialty ~~areas~~ areas. ~~whether or not the program crosses administrative lines.~~
- (3) The program shall have an identifiable body of students in residence at the physical campus of the institution who are matriculated in that program for a degree.
- (4) There shall be an identifiable full-time psychology faculty in residence at the physical campus of the institution, sufficient in size and breadth to carry out its responsibilities, employed by and providing instruction at the ~~home~~physical campus of the institution.
- (5) There shall be a psychologist responsible for the applicant's program either as the administrative head of the program, or as the advisor, ~~major~~ professor, or committee chair for the individual applicant's program.
- (6) The program shall be an integrated, organized sequence of study in psychology as demonstrated by an ~~identifiable~~ curriculum track or tracks wherein course sequences are outlined.
- (7) The program shall encompass the equivalent of a minimum of three academic years of full-time graduate study, two years of which are at the institution from which the degree is granted, and one year of which is in residence at the institution from which the degree is granted. Residence requires in person interaction with psychology faculty and other matriculated psychology students. One year's residence is defined as 30 semester (45 quarter or 40 trimester) hours taken on a full-time or part-time basis in person at the physical campus of the institution. ~~institution over the course of one year.~~
- (8) The program shall include practicum, internship, field experiences, or laboratory training appropriate to the area of specialty and the practice of ~~psychology. psychology; this~~ This experience shall be supervised by a licensed psychologist.
- (9) Except as provided in Paragraph (b) of this Rule, the program of study shall include a minimum of 60 semester (90 quarter or 80 trimester) hours of graduate study in standard psychology courses, exclusive of credits for internship/practicum and thesis/dissertation, including instruction in

scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, and the specialty area. No credit shall be allowed for audited courses or courses taken at an institution which does not meet the definition of an "institution of higher education" as defined by G.S. 90-270.2(5).

(10) The program shall include coursework ~~demonstrated competency~~ in the four substantive content areas identified in this Subparagraph; this shall be met through a minimum of three semester (five quarter or four trimester) hours in each of these content areas:

- (A) biological bases of behavior, such as, ~~(e.g.,~~ physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology; ~~);~~
- (B) cognitive-affective bases of behavior, such as, ~~(e.g.,~~ cognition, memory, learning, thinking, motivation, emotion; ~~);~~
- (C) social bases of behavior, such as, ~~(e.g.,~~ social psychology, group processes, organizational and systems theory, cultural and ethnic bases, sex roles; ~~);~~ and
- (D) individual differences, such as, ~~(e.g.,~~ personality theory, human development, abnormal psychology, individual differences; ~~);~~

(b) If an individual's degree program did not include a minimum of 60 semester (90 quarter or 80 trimester) hours in standard psychology courses, as specified in Subparagraphs (a)(9) and (a)(10) of this Rule, but included a minimum of 54 semester (81 quarter or 72 trimester) hours of graduate study in standard psychology courses, as specified in Subparagraphs (a)(9) and (a)(10) of this Rule, exclusive of credits for internship/practicum and thesis/dissertation, the individual shall be allowed to take, and must pass with a grade of "B" or above, additional graduate level course work to meet the hourly requirement specified in Subparagraphs (a)(9) and (a)(10) of this Rule. The individual shall complete specified course content, as defined by Subparagraphs (a)(9) and (a)(10) of this Rule, to meet the minimum educational requirements to apply for licensure. ~~The aforementioned~~ course work shall be completed at an institution of higher education, ~~as defined by G.S. 90-270.2(5),~~ in a graduate psychology program in the same specialty area as the degree program completed by the individual and shall be reported on an official transcript. Alternately, ~~the aforementioned~~ course work may be completed in a formal re-specialization program in psychology, which shall be reported on an official transcript. A formal re-specialization program in psychology means a program in which individuals already holding a doctoral degree in psychology complete additional education and training in order to change their specialist area of study. Re-specialization programs involve coursework in a health service psychology field, including clinical, counseling, school or combinations of these areas. Respecialization programs also include education in profession-wide competencies, such as, ethics, assessment, intervention; experiential education such as practicum; and a one-year internship. The individual shall provide a certificate of completion of a respecialization program, issued by the program. The institution of higher education which permits a student to take additional course work shall be construed as being responsible only for the specific course work taken at that institution and not for the student's entire course of study, unless the student's entire graduate program was completed at that institution. No credit shall be accepted by the Board for audited courses. This additional graduate level course work shall not

1 duplicate course work taken by the individual in his or her degree program or prior to admittance to his or her degree
2 program.

3 (c) If an individual's degree program did not include a minimum of 54 semester (81 quarter or 72 trimester) hours of
4 graduate study in standard psychology courses, as specified in Subparagraphs (a)(9) and (a)(10) of this Rule, exclusive
5 of credits for internship/practicum and thesis/dissertation, the individual shall not be allowed to obtain additional hours
6 at a post-graduate level to meet the hourly requirements in Subparagraphs (a)(9) and (a)(10).

7
8 *History Note: Authority G.S. 90-270.9; 90-270.11(a);*

9 *Eff. June 1, 1988;*

10 *Amended Eff. July 1, 2009; July 1, 1997; October 1, 1991; March 1, ~~1989~~ 1989;*

11 *Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21NCAC 54 .1901

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), what are “deadlines and procedures established by the Board”? Do you mean as established in this Rule? If so, say that. If not, say what these “deadlines and procedures are” and delete “established by the Board.” That’s what these Rules do.

Please note that the requirement in (a) says that the “renewal examinations shall be administered”, but I think that the actual intent here it to say that an applicant has to take these exams (not that they just have to be administered.) You may want to address that here or in the Subparagraphs (doesn’t need to be in both.) I’ve offered suggestions below.

In (a), please provide some sort of introduction to (a)(1) through (3).

What is the actual requirement for the National Examination? Overall, I’m having a hard time following the intent of (a)(1). When does an applicant have to take this exam, when is he or she not required to take this exam? Is the passing score not set by the EPPP (maybe it’s not.) Please review and revise for clarity.

Please consider revising (a)(2) to say something like “An applicant for licensure shall take the Board-developed State Examination (whenever they are supposed to take it – before application? After application? It’s not clear to me when this is to occur.) The State Examination shall asses the applicant’s knowledge of the ethical and legal requirements, including the North Carolina Psychology Practice Act and the Rules of this Chapter.

In (a)(2), what are “other ethical and legal requirements”?

In (a)(2), delete “This is an education examination that shall be completed for licensure.”

In (a)(3), what is your authority to require an “ethics renewal examination”? G.S. 90-270.14 appears to provide renewal requirements. Those requirements include an application, fee, and continuing education (if you all require them), but do not require an exam.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

If you have authority for the exam in (a)(3), please consider revising this to read “An applicant for renewal shall take the Board-developed ethics renewal examination every two years. Completion of this examination shall count for one Category A continuing education credit in ethics, as required by (whatever the appropriate cross-reference to the continuing education requirement Rule is.)

Also in (a)(3), delete “This is an educational examination that shall be completed for license renewal.” This language is redundant.

Assuming that you have authority for ethics renewal examinations, is there not a special accommodation available for that test?

In (b), what is meant by “shall be granted upon request of the applicant and Board approval”? Isn’t the Board granting the requests, making “and Board approval redundant”? What is the intent here? Is it to say that the Board has to make an approval determination even after its received documentation by a licensed professional? If so, please provide the factors that the Board is to use to make the determination whether they will grant the request. If the intent is to approve the request upon receipt of documentation by a licensed professional of a disability, then delete “and shall be granted upon request of the applicant and Board approval.”

In your History Note, I don’t understand the applicability of G.S. 90-270.14(a)(2).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1901 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1901 TYPES EXAMINATIONS

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

(1) National Examination. The national examination is the Examination for Professional Practice in Psychology (EPPP) ~~which that~~ is developed by the Association of State and Provincial Psychology Boards (ASPPB). ~~The EPPP assesses the applicant's knowledge of the subject matter of psychology and his or her understanding of professional and ethical problems in the practice of psychology.~~ The passing point for licensed psychologist shall be a scaled score of 500, and the passing point for licensed psychological associate shall be a scaled score of ~~440~~ 440, unless a licensed psychological associate applies to practice under .2008(h)(3). Then in order to be approved under .2008(h)(3), he or she must meet the passing point of a scaled score of 500. If a licensed psychological associate does not meet the passing point of a scaled score of 500, he or she must have been practicing for 5 years, as set forth in .2008(h)(2) in order to apply to practice under .2008(h)(3). This examination shall not be required for an applicant who has previously taken the EPPP and whose score met the North Carolina passing point which was established for that particular administration date of the ~~examination~~ examination, unless the Board determines pursuant to G.S. 90-270.15 that an individual shall be required to take and pass a current form of the EPPP. ~~Further, this examination~~ The EPPP shall not be required for an applicant who documents meeting requirements for licensure specified in Rule .1707 of this Chapter.

(2) State Examination. The Board-developed State ~~state~~ examination shall assess ~~assesses~~ the applicant's knowledge of the North Carolina Psychology Practice Act, ~~selected~~ rules of the ~~Board~~ Board, ~~covering such topics as education and supervision,~~ and other ethical and legal requirements. ~~The passing point for all licensees shall be set at 78% of the total scored items on the examination.~~ This is an educational examination that shall be completed for licensure.

(3) Ethics Renewal Examination. The Board-developed ethics renewal examination shall be taken every two years in order to renew a license and completion of this examination shall count for one Category A continuing education credit in ethics. This is an educational examination that shall be completed for license renewal.

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

1 ~~(e)~~ (b) Special Administrations. Applicants with disabilities as defined by the Americans with Disabilities Act of
2 1990 (ADA), which is hereby incorporated by reference, including subsequent amendments and editions, available at
3 no cost at www.ada.gov, and documented by a licensed medical professional shall be administered the EPPP and State
4 examination under conditions that shall minimize the effect of the disabilities on their performance. Special test
5 administrations shall be as comparable as possible to a standard administration and shall be granted upon request of
6 the applicant and Board approval. Candidates with documented impairments or disabilities which meet compliance
7 requirements of the Americans with Disabilities Act of 1990 (ADA) shall be administered the EPPP and State
8 Examination under conditions that shall minimize the effect of the impairments or disabilities on their performance.
9 In general, those lifestyle accommodations which an individual uses to compensate for impairments or disabilities,
10 and which have become accepted practice for the individual in his or her graduate program or since the onset of the
11 applicant's impairment of disability, shall be considered as the most appropriate accommodation for testing. Special
12 test administrations shall be as comparable as possible to a standard administration.

13
14 *History Note: Authority G.S. 90-270.9; 90-270.11; 90-270.15(b); 90-270.14(a)(2)*

15 *Eff. September 1, 1982;*

16 *Amended Eff. September 1, 2005; April 1, 2001; October 1, 1996; March 1, 1989; January 1, 1986;*

17 *July 1, 1985; August 1, ~~1984~~ 1984;*

18 *Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .1903

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the required fee? That required of the vendor and the \$50.00 as provided in .1605? Please provide the cross-reference.

Given G.S. 90-270.4(h), are lines 8-9 ("Except as exempt under... first becoming licensed") necessary?

In your History Note, 90-250.5(b) does not exist. Please provide the correct citation.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1903 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1903 RETAKING THE NATIONAL EXAMINATION

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

History Note: Authority G.S. 90-250.5(b); 90-270.9;

Eff. September 1, 1982;

Amended Eff. April 1, 2001; October 1, 1991; March 1, 1989; July 1, ~~1985-1985~~;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21NCAC 54 .1904

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

How does "within four months" on line 4 go with "on the date prescribed by the Board" in G.S. 90-270.5(b)? Practically speaking, how does this work. The way that I read the statute, I thought that an applicant applied with you all, you looked at the application, approved it, and then gave them a date to sit for the exam, but that's not the way this Rule reads so I'm a bit confused how this actually works. Is this Rule setting that the "date prescribed by the Board" will be within four months of the approval? If so, I think it's fine, I just want to be sure that I understand.

Lines 7-8 ("The applicant shall be permitted to take the examination within the next consecutive four months without reapplying for licensure" appears to be redundant. is the intent to essentially give them an 8 month period to take the exam? So, the second 4 month time period is my second chance if I fail to appear during the first four month time period? If so, please make this more clear. I would also suggest breaking this into multiple paragraphs (at least two.) One addressing the first 4 month and another addressing the second 4 months.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .1904 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .1904 FAILURE TO APPEAR FOR THE NATIONAL EXAMINATION

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

History Note: *Authority G.S. 90-270.5(b); 90-270.9;*

Eff. September 1, 1982;

Amended Eff. April 1, 2001; May 1, 1996; October 1, 1991; March 1, 1989; July 1, ~~1985.~~ 1985.

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2001

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Do you still need (a)(2)? Is there anyone still employed with the State that was employed in 1979 and who holds the same job duties?

In (a)(2), change "which" to "that" in "which are." Delete or define "regular" in "regular job description", "regular duties" and "regular position..."

In (a)(3), what is meant by "a doctoral level licensed psychologist who is licensed in the jurisdiction where the supervisee is practicing psychology"? When would this apply? I assume when someone is getting their required supervision out of state?

Just so I understand, practically speaking, how does (a)(4) work? I read G.S. 90-270.5(c)(2) to say that licensed psychological associates have to be supervised by a qualified licensed psychologist, even after passing an exam and receiving their license, to engage in certain activities set forth in G.S. 90-270.5(e). So, as it pertains to (a)(4), when a licensed psychological associate is considered a "qualified supervisor", who and what are they supervising? I assume none of those activities set forth in 90-270.5(e)? If they are supervising those activities, is the supervisor then supervised by a licensed psychologist?

In (b), by "may", do you mean "shall"? If you mean may, how will it be determined whether you will disapprove an otherwise qualified supervisor? What factors will you use?

In (b)(1) through (5), what kind of documentation might show these things?

In (b)(2), what are "legal or ethical standards"?

What is meant by (b)(3)? Do you mean that they aren't qualified to supervise a trainee in a particular specialty area? Please review and revise for clarity.

In (c), delete "the content of which shall be determined and approved by the Board" Is this training program provided by the Board"? If so, say that.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

In (c)(1) and (2), how do you all go about “designating” someone? Is this an approval process?

In (c)(3), delete “legally and ethically” so that it just reads “addresses how to supervise”

On line 34, say who shall do what. “If the qualified supervisor takes the course on-line, she or shall complete and pass an examination.

Also, delete “and provide documentation to the Board that he or she has passed the examination.” This is redundant of the requirement on line 37.

What is a passing grade of the exam?

In (d), again, say who is to do what. Here, do you mean “The licensee shall be required to take the training set forth in paragraph (c) of this Rule unless the Board finds that he or she is failing to adhere to the supervision requirements set forth in this Section.”

In (d), what is evidence?

In (d), delete or define “competently” in “competently supervise”

In (d), what are the supervision requirements? Those set forth in this Section?

In (e)(2), please begin “The professional expertise...” as a new sentence and delete “and” after “competence.”

In (e)(2), what is meant by “shall be consistent with the practice of the supervisee”? Do you need this second sentence given the rest of (a)(2) and (4)?

In (e)(7), what are “ethical and legal violations”?

In (e)(8), delete or define “clear and accurate”

In (e)(8)(B), what is “summary content”?

In (e)(9), delete or define “securely and confidentially”

In (e)(9), what is “any other compelling circumstance”? I honestly have no idea.

What is a “pending legal or ethical matter”?

In (f), what is “strongly personal”?

In (f), three reference letters for what and about whom?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2001 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2001 SUPERVISOR

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

- (1) ~~a licensed psychologist, permanent;~~ a licensed psychologist who has been issued a permanent license by the Board;
- (2) any person who was in a psychology position with the State of North Carolina on December 31, 1979, and who is still so employed, provided that such supervision is, and was on December 31, 1979, within the psychologist's regular job description and is only for activities which are part of the regular duties and responsibilities of the supervisee within his or her regular position at a State agency or department;
- (3) a doctoral level licensed psychologist who is licensed in the jurisdiction where the supervisee is practicing psychology; or
- (4) a licensed psychological associate ~~as provided for in Rule .2005 in this Section.~~ who is approved to practice under Rule .2008(h)(3) and is certified as a health services provider psychological associate (HSP-PA) under Rule .2706.

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

- (1) ~~evidence documentation~~ that the supervisor is not competent or qualified to supervise the supervisee;
- (2) ~~evidence documentation~~ the supervisor has failed to adhere to legal or ethical standards;
- (3) ~~evidence documentation~~ that there is a lack of congruence between the supervisor's training, experience, and area of practice and the supervisee's proposed area(s) of practice; or
- (4) ~~evidence documentation~~ that the supervisor has a license against which disciplinary or remedial action has been taken-taken by the Board or any other occupational licensing Board; or
- (5) documentation that the supervisor has not completed the training described, and within the time frame set forth, in Paragraph (c) of this Rule.

(c) A licensee who engages in the supervision of an applicant for licensure, a licensed psychological associate, or a provisionally licensed psychologist in North Carolina must complete a three-hour training session, the content of which shall be determined and approved by the Board, which meets the following requirements:

- (1) is sponsored or co-sponsored by an entity designated by the Board;
- (2) is presented by an individual or individuals designated by the Board; and
- (3) addresses how to legally and ethically supervise in accordance with Board rules regarding supervision requirements.

If the training session is taken on-line, there shall be an examination at the completion of the session, and the licensee must pass and provide documentation to the Board that he or she has passed such examination. The sponsor or co-sponsor of a training session shall submit a list of attendees who complete the three-hour training session to the Board no later than 30 days following the training session. The training shall be completed, and documentation of completion

received in the Board's office, no later than September 1, 2022. If the training is not completed by September 1, 2022, a licensee shall not enter into a supervision contract with an applicant, a licensed psychological associate, or a licensed psychologist-provisional until he or she completes the training and the Board receives documentation of such. A licensee who completes the training and passes the examination shall be permitted to count the three hours toward the minimum continuing education hours required in Rule .2104 of this Chapter for the renewal period it was when completed.

(d) The training described in Paragraph (c) of this Rule is required to be completed only one time, except when the Board requires that a licensee repeat it based on evidence that the licensee is failing to competently supervise or adhere to supervision requirements.

(e) (c) Each supervisor shall:

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

1 or ethical matters or if there is any other compelling circumstance, the supervisor shall retain the
2 complete record of supervision securely and confidentially for a period of seven years from the final
3 resolution of such legal or ethical matter;

4 ~~(9)~~ (10) report on the ~~required~~ supervision report form ~~to the Board~~ that agreed upon supervision has
5 occurred; and

6 ~~(10)~~ (11) file a final supervision report within two weeks of termination of supervision.

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

12
13 *History Note: Authority G.S. 90-270.5; 90-270.9;*

14 *Eff. September 1, 1982;*

15 *Amended Eff. July 1, 1997; October 1, 1991; March 1, ~~1989~~, 1989;*

16 *Readopted April 1, 2020.*
17

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2002

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a) please consider changing "The purpose of the Board required supervision" to a mandate of your regulated public (i.e., "A supervisor shall train the supervisee in skills, methods, and interventions, including enhancement and refinement of..."

In (a), what does it mean that "supervision shall include consideration of the following"? Is this what is to be considered by a supervisor and supervisee when they are completing their supervision contract form? Please also make this a separate Paragraph.

In (a)(1), what are "ethical, legal, and professional standards"?

In (a)(4), what is meant by "supervisee's ability to function independently or with reduced supervision"? I note that G.S. 90-270.5(e) sets forth activities for which some sort of supervision is always required. Is (a)(4) intended to address those activities specifically set forth in G.S. 90-270.5(e) or other activities? Please provide some clarification.

In (b)(5), what is a "professional, ethical, or legal concern"?

In (b)(6), what is "an ethical or legal violation"?

Please review (c), lines 28-30 for clarity. I think it's missing a word. Is the intent here just that the supervisor and the supervisee have to decide what to tell the clients? Again, please review and clarify.

On line 34, change "shall be" to "is." Also, "responsible" in accordance with what?

In (c), what does it mean that "clinical documents are not required to reflect the supervisory process"? Does this just mean that the supervisor doesn't have to sign them? That the supervisee doesn't have to document that they've talked with their supervisor about a case?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2002 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2002 NATURE OF SUPERVISION

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

- (1) ethical, legal, and professional standards;
- (2) technical skills and competency;
- (3) supervisee's utilization of supervision; and
- (4) supervisee's ability to function independently or with reduced ~~supervision.~~ supervision, as set forth in Rule .2008 of this Section.

(b) Each supervisee shall:

- (1) attend scheduled supervision sessions;
- (2) provide the supervisor with a disclosure of psychological services being offered or rendered by the supervisee;
- (3) cooperate with the supervisor to assure that all conditions in ~~Paragraph (c) of Rule .2001(c)~~ of this Section are met;
- (4) provide the supervisor with information necessary for the supervisor to advise the supervisee on cases giving rise to professional, ethical, and legal concerns;
- (5) notify the Board if he or she has reason to believe that the supervisor has behaved in a manner which ~~shall indicate~~ indicates that the supervisor has committed an ethical or legal violation; and
- (6) file a revised supervision contract form within 30 days of a change in the conditions specified in the supervision contract form on file with the ~~Board.~~ Board, as set forth in Rule .2008 of this Section.

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

History Note: Authority G.S. 90-270.5; 90-270.9;

1 *Eff. September 1, 1982;*
2 *Amended Eff. July 1, 1997; October 1, 1991; March 1, ~~1989~~ 1989;*
3 *Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2005

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), what are "these rules"? The Rules of this Section? This Chapter?

Why is (c) necessary? Are there underlying requirements? For example, must they meet in person if it is a new relationship? If there are reports, must they meet in person? Are you all simply trying to give your regulated public an idea of how to decide?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

NCAC 54 .2005 is proposed for readoption with substantive changes:

21 NCAC 54 .2005 ~~ALTERNATE SUPERVISION REQUIREMENTS~~ DEFINITION OF FACE TO FACE SUPERVISION

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

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

(a) As used in these rules the term “face-to-face supervision” shall mean both in-person supervision, where the supervisor and supervisee meet in person at the same physical location, and electronic means of face-to-face interaction without meeting in person.

(b) The face-to-face supervision shall be live, interactive, and visual. Video or other technology may be used so long as it is real time and involves verbal and visual interaction for the entire session. The face-to-face supervision shall maintain the confidentiality of the communication as it relates to the identifying information regarding patients/clients.

(c) When a supervisor and supervisee are deciding whether to meet in person or through electronic medium, they shall consider factors such as:

- (1) whether reports or evaluations will be reviewed and whether that can be done through use of electronic medium;
- (2) whether the supervisory relationship is recently established; or
- (3) whether there are concerns that are better addressed in person.

*History Note: Authority G.S. 90-270.2(f); 90-270.9; 90-270.5; 90-270.9;
Eff. September 1, 1982;
Amended Eff. July 1, 1997; January 1, 1986; August 1, ~~1984~~, 1984;
Readopted April 1, 2020.*

RRC STAFF OPINION

Please Note: This communication is either 1) only the recommendation of an RRC staff attorney as to action that the attorney believes the Commission should take on the cited rule at its next meeting, or 2) an opinion of that attorney as to some matter concerning that rule. The agency and members of the public are invited to submit their own comments and recommendations (according to RRC rules) to the Commission.

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2006 and .2008

RECOMMENDED ACTION:

- Approve, but note staff's comment
- X Object, based on:
 - X Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff recommends objection to the above referenced Rules for lack of statutory authority.

G.S. 90-270.5(e) requires that when a psychological associate is engaging in certain health services he or she must be supervised by a "qualified licensed psychologist holding health services provider certification or by other qualified professionals under the overall direction of a qualified licensed psychologist holding health services provider certification." The pertinent statute is as follows:

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

Amber May
Commission Counsel
January 7, 2020

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

As written, these Rules appear to be carving out an exception for a “level 3” psychological associate” which would enable him or her to practice these activities without the supervision of a licensed psychologist holding a health services provider certification. Staff does not believe that the Board has the authority to do so for the activities specified in G.S. 90-270.5(e).

Rule .2006 states that “Supervision is required if practicing under a Level 1 or 2 supervision”, but does not set forth any supervision requirements for a level 3 psychological associate. This Rule goes onto address activities that are specifically set forth in G.S. 90-270.5(e) as statutorily requiring supervision. Staff reads this Rule to exempt a Level 3 psychological associate from those supervision requirements.

Further, .2008(h)(3) provides that “no further supervision shall be required” once a psychological associate obtains 3 years of 4500 hours of post-licensure supervised practice. Staff does not believe that the Board has the authority to entirely exempt any psychological associate from supervision requirements if they are engaging in the specified activities.

§ 90-270.5. Application; examination; supervision; provisional and temporary licenses.

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

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

(c) All individuals who have yet to apply and who are practicing or offering to practice psychology in North Carolina, and all applicants who are practicing or offering to practice psychology in North Carolina, shall at all times comply with supervision requirements established by the Board. The Board shall specify in its rules the format, setting, content, time frame, amounts of supervision, qualifications of supervisors, disclosure of supervisory relationships, the organization of the supervised experience, and the nature of the responsibility assumed by the supervisor. Individuals shall be supervised for all activities comprising the practice of psychology until they have met the following conditions:

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

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

- (1) One of these years of experience shall be postdoctoral, and for this year, the Board may require, as specified in its rules, that the supervised experience be

comparable to the knowledge and skills acquired during formal doctoral or postdoctoral education, in accordance with established professional standards.

(2) One of these years may be predoctoral and the Board shall establish rules governing appropriate supervised predoctoral experience.

(3) A psychologist who meets all other requirements of G.S. 90-270.11(a) as a licensed psychologist, except the two years of supervised experience, may be issued a provisional license as a psychologist or a license as a psychological associate, without having received a master's degree or specialist degree in psychology, by the Board for the practice of psychology.

(e) A licensed psychological associate shall be supervised by a qualified licensed psychologist, or other qualified professionals, in accordance with Board rules specifying the format, setting, content, time frame, amounts of supervision, qualifications of supervisors, disclosure of supervisory relationships, the organization of the supervised experience, and the nature of the responsibility assumed by the supervisor. A licensed psychological associate who provides health services shall be supervised, for those activities requiring supervision, by a qualified licensed psychologist holding health services provider certification or by other qualified professionals under the overall direction of a qualified licensed psychologist holding health services provider certification, in accordance with Board rules. Except as provided below, supervision, including the supervision of health services, is required only when a licensed psychological associate engages in: assessment of personality functioning; neuropsychological evaluation; psychotherapy, counseling, and other interventions with clinical populations for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior; and, the use of intrusive, punitive, or experimental procedures, techniques, or measures. The Board shall adopt rules implementing and defining this provision, and as the practice of psychology evolves, may identify additional activities requiring supervision in order to maintain acceptable standards of practice.

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

(g) An applicant for reinstatement of licensure, whose license was suspended under G.S. 90-270.15(f), may be issued a temporary license and temporary health services provider certification in accordance with the duly adopted rules of the Board. (1967, c. 910, s. 5; 1977, c. 670, s. 4; 1979, c. 670, s. 3; 1985, c. 734, s. 4; 1993, c. 375, s. 1; 2012-72, s. 1.)

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2006

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a)(3), change "which" to "that" in "which leads"

In (a)(3), what is meant by "adequate evidence of reliability and validity"? How and by whom is this determined?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2006 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2006 PSYCHOLOGICAL ASSOCIATE ACTIVITIES

(a) The assessment of overall personality functioning by a psychological associate requires ~~supervision.~~
supervision, if practicing under Level 1 or Level 2 supervision, as set forth in Rules .2008(h)(1) or .2008 (h)(2). The
assessment of personality functioning involves any assessment or evaluative technique which leads to conclusions,
inferences, and hypotheses regarding personality functioning. This includes:

- (1) all statements regarding personality attributes, features, traits, structure, dynamics, and pathology
or assets;
- (2) the use of personality assessment techniques which include, but are not limited to, observation,
interviewing ~~and, and~~ mental status examinations; ~~examinations word association tests, diagnostic~~
~~play therapy, and autobiographical techniques; and~~
- (3) ~~the use of standardized personality techniques or tests. Examples of techniques or tests include, but~~
~~are not limited to, the following: Rorschach, Thematic Apperception Test, sentence completion~~
~~tests, the House Tree Person, Minnesota Multiphasic Personality Inventory, the California~~
~~Personality Inventory, The Millon tests, the 16PF, and all other self report inventories and~~
~~questionnaires, as well as scales and check lists completed by others. The tests identified in this~~
~~Rule as requiring supervision do not constitute an exhaustive list, only the most commonly utilized~~
~~measures.~~ the use of current assessment techniques that have adequate evidence of reliability and
validity.

Not requiring supervision are screening techniques which lead to simple descriptors of persons which may be
completed by a variety of professional and non-professional observers and are interpreted by other parties.

~~(b) The conduct administration of neuropsychological evaluations by psychological associates requires supervision.~~
~~supervision, if practicing under Level 1 or Level 2 supervision, as set forth in .2008(h)(1) or .2008(h)(2). Not requiring~~
~~supervision are neuropsychological screenings which lead to simple behavioral descriptions rather than clinical~~
~~interpretations, or the administration of rating devices which may be completed by a variety of professional and non-~~
~~professional observers and are subsequently interpreted by other parties.~~

~~(c)~~ (b) Psychotherapy, counseling, and any other interventions with a clinical population for the purpose of preventing
or eliminating symptomatic, maladaptive, or undesired behavior provided by a psychological associate require
~~supervision.~~ supervision, if practicing under Level 1 or Level 2 supervision, as set forth in .2008(h)(1) or
.2008(h)(2). Clinical populations include persons with discernible mental, behavioral, emotional, psychological, or
psychiatric disorders as evidenced by an established ~~Axis I or Axis II diagnosis or V Code condition~~ diagnostic
classification system in the then current ~~DSM~~ Diagnostic and Statistical Manual of Mental Disorders or International
Classification of Diseases and all persons meeting the criteria for such diagnoses. Interventions other than
psychotherapy and counseling that are encompassed by this definition include, but are not limited to, psychological
assessment, psychoanalysis, behavior analysis/therapy, biofeedback, and hypnosis. Supervision is required if
practicing under Level 1 or Level 2 supervision, as set forth in .2008(h)(1) or .2008(h)(2), when the psychological

1 associate is providing an intervention to persons within a clinical population, directly with the person(s) or in
2 consultation with a third party, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired
3 behavior. Supervision is required if practicing under Level 1 or Level 2 supervision, as set forth in .2008(h)(1) or
4 .2008(h)(2), for the design or clinical oversight of interventions for persons within a clinical population, such as
5 biofeedback techniques and behavior intervention programs; however, supervision is not required for the actual
6 implementation of such interventions that were designed for others to implement, which may or may not constitute
7 ancillary services.

8 ~~(d)~~ (c) The use, including authorization, of intrusive, punitive, or experimental procedures, techniques, or measures
9 by a psychological associate requires ~~supervision~~ supervision, if practicing under Level 1 or Level 2 supervision, as
10 set forth in .2008(h)(1) or .2008 (h)(2). These procedures, techniques, or measures include, but are not limited to,
11 seclusion, physical restraint, the use of protective devices for behavioral control, isolation time-out, and any utilization
12 of punishment techniques involving aversive stimulation. Also included in this definition are any other techniques
13 which are physically intrusive, are restrictive of human rights or freedom of movement, place the client at risk for
14 injury, or are experimental in nature (i.e., in which the efficacy and degree of risk have not previously been clinically
15 established).

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

18
19 *History Note:* Authority G.S. 90-270.5(e); 90-270.9;
20 *Eff. October 1, 1991;*
21 *Amended Eff. October 1, 2006. 2006:*
22 *Readopted April 1, 2020.*
23

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2007

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), who have yet to apply for what?

Given G.S. 90-270.5(b), is the first sentence of (a) necessary?

On line 5, what does it mean that something is "subject to review"?

In (a), please note my authority concerns regarding this Section with the cross-reference to .2001.

Why is (b) necessary? You only have authority over psychologists in NC.

In (e), with the use of "may", how will you make this determination? What factors will be used?

In (e), what are "possible problems" and "ethical standards"? I note that elsewhere you've used "legal or ethical standards" (though this language is not clear either.)

Regarding (f), please confirm that the substantive requirements of the contract and report forms are set forth elsewhere in rule or statute.

In (f), can these forms be found online?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

1 **21 NCAC 54 .2007 APPLICANTS AND OTHER NONLICENSED INDIVIDUALS**

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

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

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

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

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

27 (f) Contract and report forms shall be provided by the Board.
28

29 *History Note:* *Filed as a Temporary Adoption Eff. December 1, 1993, for a period of 180 Days or until*
30 *the permanent rule becomes effective, whichever is sooner;*
31 *Authority G.S. 90-270.5(c); 90-270.9; Eff. April 1, 1994;*
32 *Amended Eff. July 1, ~~1997~~ 1997;*
33 *Readopted April 1, 2020.*
34

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2008

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given 90-270.4(c), why is (c) necessary?

Why is (d) necessary? Are you talking about NC licensed psychological associates who are practicing elsewhere? If so, do you mean that if the jurisdiction they're practicing doesn't require supervision, then you all won't either?

In (e), what are the "minimum requirements"?

In (f), please break (1) through (3) into list formatting.

In (g), with the use of "may", how will you make this determination? What factors will be used?

In (g), what are "possible problems" and "ethical standards"? I note that elsewhere you've used "legal or ethical standards" (though this language is not clear either.)

In (h), change "who shall be" to "who is" and delete "recognized as"

In (h), delete lines 6-7. There's no need to define this again.

In (h)(2), I have no idea what the actual requirement is. Please review and revise for clarity. Also, by "may", do you mean "shall"? Again, I don't understand what is going on with this.

In (h)(2)(A), are the substantive requirements of the form set forth elsewhere in rule or statute? If not, please provide them.

In (h)(2)(B), what is considered to be "average" or "above average"

Please review (h)(3) for clarity.

In (j), are the forms available online?

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2008 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2008 PSYCHOLOGICAL ASSOCIATE

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

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

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

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

(e) A written, notarized supervision contract form shall be filed within 30 days of a change in the conditions specified in the supervision contract form on file with the Board and within 30 days after receiving written notification from the Board that the filing of a new form is necessary to provide for the protection of the public or the regulation of the practice of psychology. A supervision contract form shall document either that supervision is required and shall be received, or that supervision is not required. A separate supervision contract form shall be filed for each separate work setting. A work setting is considered as self-employment, employment under an umbrella agency, or employment at a stand-alone business entity. If receiving supervision from more than one supervisor to meet the minimum requirements, a separate supervision contract form shall be filed with each individual supervisor.

(f) A supervisor shall report to the Board that agreed upon supervision has occurred and shall file a final report upon termination of supervision. ~~If not receiving supervision, it shall be the responsibility of the Psychological Associate to report such to the Board.~~ A report shall be submitted to the Board by the following time periods: (1) within 30 days after receiving written notification from the Board that such is due, due; (2) within 2 weeks of termination of supervision, supervision; and and, (3) within 2 weeks of a change in the conditions specified in the supervision contract form on file with the Board. If not receiving supervision, it shall be the responsibility of the Psychological Associate to report such to the Board.

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

(h) Supervision shall be provided in individual, ~~face-to-face~~, face-to-face supervision, as defined by Rule 2003 of this Section, sessions which shall last no longer than 2 hours or less than 30 minutes by an individual who shall be recognized as an appropriate supervisor as defined in Rule .2001 of this Section. ~~A Psychological Associate shall receive a minimum of one hour per month of individual supervision in any month during which he or she engages in activities requiring supervision.~~ The rates of supervision specified in this Paragraph shall be provided for each separate work setting in which the Psychological Associate engages in the activities requiring supervision. A work setting is considered as self-employment, employment under an umbrella agency, or employment at a stand-alone business entity. Minimum hours of supervision required for each work setting shall not be split between more than two supervisors. The term "post-licensure" in this Paragraph shall refer to the period following issuance of a Psychological Associate license by the North Carolina Psychology Board. The term "supervised practice" in this Paragraph shall refer to activities requiring supervision as specified in G.S. 90-270.5(e) and ~~21 NCAC 54 .2006~~, Rule .2006 of this Section. Except as provided in Paragraph (g) of this Rule, minimum supervision requirements shall be as follows:

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

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

- (2) Level 2. If a Psychological Associate does not meet the pass point set in Rule .1901(a)(1) of this Subchapter, of a scaled score of 500, then after a minimum of 3 calendar years consisting of at least 4500 hours of post-licensure supervised practice a minimum of one hour per month individual supervision may be provided to a Psychological Associate who engages in activities requiring supervision. After a minimum of 3 calendar years consisting of at least 4500 hours of post licensure supervised practice, minimum supervision may be provided as follows:

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

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

- (A) make application on an application form provided by the Board;
- (B) document that all performance ratings for the preceding 3 years and 4500 hours of post-licensure supervised practice have been average or above average;
- (C) have received at least one calendar year of supervision from the most recent supervisor; and
- (D) have the recommendation of the most recent supervisor for this level of supervision.
- ~~(3) Level 3. After a minimum of 5 calendar years consisting of at least 7500 hours of post-licensure supervised practice, a minimum of 1 hour per month individual supervision may be provided to a Psychological Associate who engages in activities requiring supervision. To be approved by the Board for this level of supervision, a Psychological Associate shall:~~
- (3) Level 3. After a minimum of 3 calendar years consisting of at least 4500 hours of post-licensure supervised practice, as set forth above in Paragraph (h)(1) of this Rule, or 5 calendar years of post-licensure supervised experience, as set forth in Paragraph (h)(2) of this Rule if a psychological associate does not meet the scale score of 500, no further supervision shall be required, provided that a Psychological Associate shall:
- (A) make application on an application form provided by the Board;
- (B) document that all performance ratings for the preceding 3 years and 4500 hours of post-licensure supervised practice have been average or above average for those applying under Paragraph (h)(1) of this Rule; or 5 years of post-licensure supervised practice for those required to apply under Paragraph (h)(2) of this Rule;
- (C) have received at least one calendar year of supervision from the most recent supervisor; and
- (D) have the recommendation of the most recent supervisor for independent practice.
- ~~(A) make application on an application form provided by the Board~~
- ~~(B) document that all performance ratings for the preceding 5 years and 7500 hours of post-licensure supervised practice have been average or above average;~~
- ~~(C) have received at least one calendar year of supervision from the most recent supervisor; and~~
- ~~(D) have the recommendation of the most recent supervisor for this level of supervision.~~
- (i) The frequency and scope of supervision may, at the discretion of the supervising psychologist, be modified provided that the minimum rate of supervision as defined in Paragraph ~~(h)~~ (h)(1) or (h)(2) of this Rule is provided. The supervising psychologist of record may review, approve, and monitor additional individual or group supervision to be provided to the supervisee by a ~~Licensed Psychological Associate, licensed psychological associate, Licensed Psychologist~~ licensed psychologist holding a permanent or provisional license, or a professional from a related discipline. Such supervision shall not substitute for the minimum requirements specified in Paragraph ~~(h)~~ (h)(1) or (h)(2) of this Rule.

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

History Note: Authority G.S. 90-270.4(c); 90-270.5(e); 90-270.9;
Eff. July 1, ~~1997~~ 1997;
Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2009

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is this Rule intending to address? The supervision requirements of G.S. 90-270.5(c)(1) and (d)? Please provide some additional information.

In (b), change "who shall meet" to "who meets." Also, please provide a cross-reference for "all other requirements"? I assume you mean

In (c), change "shall be approved" to "is approved"

Given (c), is (d) necessary?

Why is (e) necessary? Are you talking about NC licensed psychological associates who are practicing elsewhere? If so, do you mean that if the jurisdiction they're practicing doesn't require supervision, then you all won't either?

In (h), with the use of "may", how will you make this determination? What factors will be used?

In (h), what are "possible problems" and "ethical standards"? I note that elsewhere you've used "legal or ethical standards" (though this language is not clear either.)

In (i), just to verify, it's possible that this training could be completed on a part-time (less than full time) basis in accordance with G.S. 90-270.5(d)? I'm looking at (i)(4) and (5).

In (i)(1), what is the intent here? What is meant by "planned and directed", "in contrast to "on the job" training", and "programmed"? What is the actual requirements? Here, can you say "the training shall be a planned sequence of training experience? Also, who is to make this plane?

In (i)(3), delete "clearly"

In (i)(6), please track the language of (i)(7) and say "The training shall be under the direction of a licensed, certified, or license eligible doctorally trained psychologist..."

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

In (i)(6), what is meant by “ongoing contact”? What is the actual requirement? Must they just be available for the trainees? Must they have meetings?

What is the difference between (i)(6) and (7)? What is the difference in responsibilities? Do you need both? Please review and revise.

In (i)(7), what is meant by “ongoing contact”?

In (i)(8), delete “specific”

In (i)(9), should “... internships accredited” be its own Subparagraph? It appears to apply to (i) entirely, not just (i)(9).

In (j)(4), change ‘Who shall be recognized as an’ to “who is an”

In (k), are the forms available online?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .2009 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2009 LICENSED PSYCHOLOGIST

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

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

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

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

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

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

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

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

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

- (1) The training shall be a planned and directed program in the practice of psychology, in contrast to "on the job" training, and shall provide the trainee with a planned, programmed sequence of training experience.
 - (2) The training site shall have a written statement or brochure which describes its training program and is made available to prospective trainees.
 - (3) Trainees shall be designated as "interns," fellows," or "residents," or shall hold other designation which clearly indicates training status.
 - (4) The training shall be completed within a consecutive period of 24 months.
 - (5) The training shall consist of at least 1500 hours of practice in psychology as defined by G.S. 90-270.2(8).
 - (6) The training site shall have a minimum of two doctorally trained licensed, certified, or license eligible psychologists at the training site as supervisors who shall have ongoing contact with the trainee.
 - (7) The training shall be under the direction of a licensed, certified, or license eligible doctorally trained psychologist who shall be on the staff of the training site, who shall approve and monitor the training, who shall be familiar with the training site's purposes and functions, who shall have ongoing contact with the trainee, and who shall agree to assume responsibility for the quality, suitability, and implementation of the training experience.
 - (8) The training shall provide a minimum of two hours per week of individual face-to-face discussion of the trainee's practice, with the specific intent of overseeing the psychological services rendered by the trainee. Supervision may be provided in part by psychiatrists, social workers, or other related professionals qualified by the training site, but at least 50% of supervision shall be provided by licensed, certified, or license-eligible doctorally trained psychologists.
 - (9) In addition to individual supervision, the training site shall provide a minimum of two hours per week of instruction which may be met by group supervision, assigned reading, seminars, and similarly constituted organized training experiences. Internships accredited by the American Psychological Association ~~and other internships which meet all of the specified criteria in this Paragraph~~ shall be deemed to meet the requirements in this Paragraph.
- (j) One year of supervised experience shall meet all of the following criteria:
- (1) A minimum of one hour per week of face-to-face, individual supervision shall be provided.
 - (2) The experience shall consist of a minimum of 1 calendar year, shall include 1500 hours of practice, and shall be completed within a consecutive 4-year period.
 - (3) Supervision shall be provided for the practice of psychology as defined by G.S. 90-270.2(8).
 - (4) Supervision shall be provided by an individual who shall be recognized as an appropriate supervisor of licensees as defined in Rule .2001 of this Section.
- (k) Contract and report forms shall be provided by the Board.

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History Note: Authority G.S. 90-270.5(d); 90-270.9;
Eff. July 1, ~~1997~~, 1997;
Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2101

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Is (a) still accurate? By (a), do you simply mean something like "A licensee shall renew his or her license by October 1 of each even-number year by submitting to the Board a renewal application form"? If so, say that and delete the rest.

If you don't use the suggestion above, what is "in the fall of each even numbered year"? If you retain this language, when exactly will you all send this out? I note that they are due in the "fall", so telling folks you will send it out in the fall doesn't seem helpful.

Change "it shall be the licensee's responsibility" to "the licensee shall"

What is "in a timely manner"? I assume by October 1 per G.S. 90-270.14?

In (b), please format the substantive requirements of the form in a list.

In (b), delete "but not limited to"

Please reword lines 9-11 for clarity purposes. There is a lot of information set forth in this and there appears to be too many "ors" Same with lines 11-14. It's possible that different formatting would help with clarity here, but as written, I don't understand what is being requested on the renewal form.

On line 14, delete "or not"

I note that some places you've used "if", others "whether." I prefer "whether", but please be consistent.

On line 15, delete or define "formal" Do you mean in accordance with a rule?

Also, since this renewal application is filed bienelly per G.S. 90-270.14, what is meant by "during the past year"? Do you mean the preceding two years?

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

On line, 15, what is meant by “report on all supervision contact forms on file with the Board”? Does this mean that they are supposed to give an update on the supervision forms? Is this not addressed by Section .1700?

In (c), delete “properly” on line 17 and “appropriate” on line 18.

In (c), line 18, change “any established statutory deadline” to “the deadline set forth in G.S. 90-270.14(a)”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2101 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2101 LICENSE RENEWAL FORM

(a) The license renewal application form shall be ~~mailed~~ sent either by mail or electronically to each licensee in the fall of each even numbered year. It shall be a licensee's responsibility to renew ~~his/her~~ his or her license in a timely manner, and to notify the Board if a renewal application form is not received.

(b) The form ~~may~~ shall require the licensee to supply information including, but not limited to, the following: name, license number, current addresses; telephone number; area of specialty; principal setting of practice; if malpractice lawsuit has been filed against licensee; if licensee has been denied a professional license or permit, or privilege of taking an examination, or had a professional license or permit ever disciplined in any way or if aware of any pending charges against a professional license or permit; if licensee has been convicted of, or entered a plea of guilty or nolo contendere to any felony or any misdemeanor involving moral turpitude, misrepresentation or fraud in dealing with the public, or conduct otherwise relevant to fitness to practice psychology, or a misdemeanor charge reflecting the inability to practice psychology with due regard to the health and safety of clients or patients; whether or not the licensee received any formal continuing education during the past year; and report on all supervision contract forms on file with the Board.

(c) Failure of a postal service or an internet provider to deliver the renewal application properly, or failure of a licensee to submit all required information on the appropriate form by any established statutory deadline, shall not excuse the late fee or prevent license suspension.

History Note: Authority G.S. 90-270.9; 90-270.14;

Eff. September 1, 1982;

Amended Eff. May 1, 1996; October 1, 1991; August 1, ~~1984.~~ 1984;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2102

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule? Is it just to notify your licensees that you all will send out a second notice if they fail to pay by October 1 of each even number year and that their license will be suspended if they fail to submit what you need? What about G.S. 90-270.15(f), which says that their license will be suspended by operation of law if its not renewed within 60 days. Do you need this Rule? The requirements of the licensee appear to be covered by statute.

Please write in active voice and say who is to do what? Here, do you mean something like the following (keeping in mind G.S. 90-270.15(f):

(a) If a licensee has not sent in a renewal application and fee required in accordance with G.S. 90-270.14(1), the Board shall send a second notice of renewal to the licensee. Upon receipt of the second notification, the licensee shall provide the required information.

(b) Failure to provide the required renewal application and fees within 60 days of the renewal date shall result in the automatic suspension of the license.

On line 4, what is the renewal date? October 1 of each even numbered year in accordance with 90-270.14? If so, please consider providing a cross-reference to 90-270.14 since that actually provides the date on which renewals are due.

In your History Note, G.S. 150B-11 was repealed in 1991. Please delete it.

In your History Note, you've cited 90-270.15(b), but it looks to me like 90-270.15(f) is applicable here. I'm not sure how (b) is applicable here at all since the Rule says that you all will suspend the license (as does 90-270.15(f)), but 90-270.15(b) says that you all may consider discipline other than suspension. I don't think you can do that given G.S. 90-270.15(f)." I would suggest that you delete the reference to (b).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2102 is proposed for readoption as follows:

21 NCAC 54 .2102 SECOND NOTICE

After the renewal date has passed, a second notice is sent to each delinquent licensee, advising that the renewal fee with the late fee is due and that non-payment of these fees will result in the automatic suspension of the license.

History Note: Authority G.S. 90-270.9; 90-270.14(1); 90-270.15(b); 150B-11(1);

Eff. September 1, ~~1982~~ 1982;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2103

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), delete "within 30 days after." You have this information covered in (a), page 2, line 7. You don't need it in both places and its awkward here.

(a)(1)(J) has a lot of "ors" Please review and revise for clarity.

In (a)(1)(K), remove the commas after licensure and examination

In (a)(1)(M), what are you looking for here? Do you mean something like "other fields of work for which the applicant is licensed or certified, or has applied for licensure or certification"?

In (a)(1)(N), change "if hold a" to "whether the applicant holds" or something of the like.

In (a)(1)(R), delete "list" and "to cover the complete time frame, and" and just say "all work experience, including..."

In (a)(1)(R), delete "brief"

In (a)(1)(R), what is meant by "brief describe for reapplying for licensure"? Should this be a separate Subparagraph? Also, do you mean "whether reapplying for licensure"? N

In (a)(1)(S), change "which" to "that" Also, what is meant by "Special Accommodation"? IS this as set forth in the ADA?

In (a)(1)(U), what is the "employee misclassification certification"?

In (b), what is the Board consenting to? The voluntary relinquishment?

In (b)(1), is the application form the same as you have set out in (a)(1)?

In (b)(5), what are the "information forms from present and past supervisors"? Are the substantive requirements of these forms set forth elsewhere in rule or statute? What if this is a licensed psychologist who doesn't have to have supervision?

Amber May

Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

In (b)(6), please provide the cross-reference to Rule .1701(a)(8) as you've done elsewhere in your Rules.

In (b)(7) and (8), who is the "Board's authorized agent"?

In (b)(7), is this the same information as in (a)(1)(J) and (M)? If so, do you need this since you appear to be requiring that they provide this information to you already. Is this different documentation? If so, please make that more clear.

In (b)(8), how would they know whether you have information on file? Would you not already have this under their original application? Maybe not, but how will they know?

When are (c) and (d) applicable? Is it only applicable to those folks whose license has lapsed for more than 30 days? If so, please make that more clear. If it's applicable to everyone who is applying for reinstatement, I don't understand the reference to (b).

In (c), change "requested" to "required"

In (d), I don't understand the cross-reference to 90-270.5(a). What is the intent of this Paragraph. Do you need this given G.S. 90-270.5?

In (e), how will the Board make this determination? What factors will it use?

In (e), change "and/or" to "and"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .2103 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2103 REINSTATEMENT

(a) The information required for each applicant requesting reinstatement of licensure within 30 days after a license has been suspended due to non-renewal shall consist of:

(1) completed ~~renewal~~ reinstatement application ~~form~~; form. The form shall include the following information:

- (A) applicant's legal name;
- (B) mailing address and telephone number;
- (C) business name, mailing address and telephone number;
- (D) Social Security number;
- (E) e-mail address;
- (F) date and place of birth;
- (G) licensure or applicant for licensure by another psychology board;
- (H) if taken, the score on the Examination for Professional Practice in Psychology;
- (I) whether previously applied for a license to practice psychology in North Carolina;
- (J) if denied a professional license or permit, or privilege of taking an examination, or had a professional license or permit ever disciplined by any licensing authority in North Carolina or elsewhere, or aware of any pending charges against a professional license or permit which is held;
- (K) if ever withdrawn an application for licensure, or an application to take a professional licensing examination, in North Carolina or elsewhere;
- (L) if ever been convicted of, or entered a plea of guilty or nolo contendere to any felony or misdemeanor other than a minor traffic violation;
- (M) other fields of work for which licensed or certified; or made application for licensure or certification;
- (N) if hold a diploma from the American Board of Professional Psychology;
- (O) whether doctoral program was APA accredited at the time of graduation;
- (P) names of graduate programs attended and dates degrees awarded;
- (Q) names and mailing addresses of three professional references, other than supervisors;
- (R) list all work experience to cover the complete time frame, and including, any graduate internship, practicum, or other supervised training experience that serves as the basis for current application for licensure; brief describe for reapplying for licensure in North Carolina;
- (S) any disability which may require some special accommodation in taking licensing examinations;
- (T) if applying for Health Services Provider Certification; and

- 1 (U) employee misclassification certification.
- 2 (2) documentation of having completed a minimum of ~~48~~ 24 continuing education hours as specified in
- 3 Rule .2104 of this Section during the two years preceding the date of application for reinstatement
- 4 of licensure;
- 5 (3) completed supervision report form, if applicable; and
- 6 (4) payment of the renewal and reinstatement fees.
- 7 The information listed in this Paragraph shall be filed in the Board office within 30 days after a license has been
- 8 suspended due to non-renewal.
- 9 (b) The information required for each applicant requesting reinstatement of licensure after a license has been
- 10 suspended for more than 30 days due to non-renewal or after a license has been voluntarily relinquished with the
- 11 Board's consent shall consist of:
- 12 (1) typed or legibly printed, ~~notarized~~ signed or digitally signed application form and supervision
- 13 contract form;
- 14 (2) signed consent form, completed Fingerprint Record Card, and other such form(s) or information as
- 15 required by the North Carolina Department of Justice to perform a criminal history record check;
- 16 (3) payment of fee required by the North Carolina Department of Justice to perform a criminal history
- 17 record check;
- 18 (4) documentation of having completed a minimum of ~~48~~ 24 continuing education hours as specified in
- 19 Rule .2104 of this Section during the two years preceding the date of application for reinstatement
- 20 of licensure;
- 21 (5) completed information forms from present and past supervisors;
- 22 (6) three completed reference forms from professionals who are familiar with the applicant's current
- 23 work, one of which shall be from a doctoral level psychologist;
- 24 (7) written verification and report on the status of any occupational licensure, including dates of
- 25 licensure and any disciplinary action which is pending or has been taken, sent directly to the Board
- 26 or to the Board's authorized agent from any other regulatory agency in North Carolina and any other
- 27 jurisdiction in which the applicant has applied for a license, is currently licensed, or previously was
- 28 licensed, if applicable;
- 29 (8) official graduate college transcripts, not on file in the Board's office, sent directly to the Board or to
- 30 the Board's authorized agent by the training institution(s); and
- 31 (9) payment of the renewal and reinstatement fees within 30 days after receiving notification from the
- 32 Board that reinstatement of licensure has been approved.
- 33 (c) An application shall contain all requested materials as set forth in Paragraph (b) of this Rule to be complete. An
- 34 incomplete application shall be active for three months from the date of application. At the end of such time, if still
- 35 incomplete, the application shall be void, and the applicant shall be deemed to have discontinued the application
- 36 process. If the individual chooses to pursue licensure at a later date, the individual shall ~~totally~~ reapply.

1 (d) To be considered to have made application for reinstatement of licensure pursuant to G.S. 90-270.5(a), the
2 information specified in Subparagraphs (b)(1) through (b)(4) of this Rule shall be filed in the Board office within 30
3 days of offering to practice or undertaking the practice of psychology in North Carolina.

4 (e) ~~Reexamination may be required for reinstatement.~~ The Board may require applicants for reinstatement to take the
5 national examination, state examination, state renewal examination and/or other examination in effect at the time of
6 application for reinstatement.

7
8 *History Note:* Authority G.S. 90-270.9; 90-270.14(a)(2); 90-270.15(f),(h); 90-270.22(a);

9 *Eff. August 1, 1984;*

10 *Amended Eff. March 1, 2008; May 1, 1996; November 1, 1991; March 1, 1989; 1989;*

11 *Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2104

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Paragraph (a) appears to be unnecessary. What is it requiring of your regulated public? Please consider deleting this language.

Please consider revising (b) to say something like "All licensees shall complete continuing education in accordance with this Rule prior to the renewal of a license. The license of any license who fails to complete the required continuing education shall not be renewed and shall be suspended automatically in accordance with G.S. 90-270.15(f)." I would suggest that you delete the remainder of this Paragraph.

In (b), what is meant by lines 13-15, "Licensee who would otherwise not be required to be licensed because they are not practicing in psychology in North Carolina, may relinquish their license if they do not wish to comply with the requirements specified in this Rule"? First, is this language necessary? Paragraph (b) says that a licensee has to complete continuing education requirements. Period. Second, I'm not sure what this means – why would someone not required to have a license have a license? I don't understand this language. If you need it, please review and clarify.

In (c)(2), delete "for the following two years and sixty days which"

Regarding (d), just to make sure that I understand, hours credited under (g), (h), and (i) would count toward the 24?

Please consider breaking (d) into multiple sentences and/or Subparagraphs.

In (e)(1)(b) delete the comma at the end of "or"

In (e)(2)(B), delete "explicitly"

In (e)(3)(A), change "and/or" to "and" or "or"

In (f)(1) delete "created by the Board" and instead provide the substantive requirements.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

In (g), (h), and (i), who holds the discretion regarding how many hours will be provided? Is it a one for one (as in the applicant has received 3 hours of supervision, so they will receive 3 hours of supervision) or does the Board have the discretion to say "well, you got 3 hours of supervision, but we're only going to give you one.) I think it's the former. If it is, I think this language is fine, please just confirm. If it's the latter, please provide how the Board will make this determination.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2104 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2104 CONTINUING EDUCATION

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

(b) This Rule applies to all individuals licensed by the Board who renew their licenses and compliance ~~Compliance~~ with this Rule ~~shall be~~ is a condition for license renewal. A license shall be suspended automatically by operation of law in accordance with G.S. 90-270.15(f) if a licensee fails to meet continuing education requirements specified in this Rule. ~~This Rule shall apply to all individuals licensed by the North Carolina Psychology Board who choose to renew their licenses in North Carolina.~~ No exceptions to the continuing education requirements specified in this Rule shall be granted. Licensees who would otherwise not be ~~exempt from licensure, required to be licensed e.g., because~~ they are not practicing psychology in North Carolina, may relinquish their licenses if they do not wish to comply with the requirements specified in this Rule.

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

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

~~(e) Category B requirements shall be met through attendance at colloquia, presentations of invited speakers, grand rounds, and in-house seminars; attendance at programs offered at meetings of professional or scientific organizations which are not approved for Category A credit; participation in formally organized study groups or journal clubs; and self study (e.g., reading articles or books for professional growth or in preparation for publishing, teaching, or making a presentation). One continuing education hour shall be credited for each hour of participation in Category B activities.~~

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

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

~~(1) —ethical and legal issues in the professional practice of psychology, and~~

- ~~(2) — the maintenance and upgrading of professional skills and competencies within the psychologist's scope of practice. This includes, but is not limited to, training in empirically supported treatments, the application of research to practice, and training in best practice standards and guidelines.~~
- ~~(h) Continuing education hours shall not be allowed for the following activities:~~
- ~~(1) — business meetings or presentations, professional committee meetings, and meetings or presentations concerned with the management of a professional practice;~~
 - ~~(2) — membership, office in, or participation on boards and committees of professional organizations;~~
 - ~~(3) — research;~~
 - ~~(4) — teaching, presentations, and publication, except as allowed as self study in preparation for these activities as provided under Paragraph (e) of this Rule; and~~
 - ~~(5) — personal psychotherapy or personal growth experience.~~
- ~~(i) An individual licensed on or before October 1, 2002, shall attest on the license renewal application for the 2004-2006 biennial renewal period, and on each subsequent biennial renewal application, to having met the mandatory continuing education requirements specified in this Rule during the two years preceding the October 1st renewal date. An individual licensed after October 1, 2002, shall attest on the second license renewal application following licensure, and on each subsequent biennial renewal application, to having met the mandatory continuing education requirements specified in this Rule during the two years preceding the October 1st renewal date.~~
- ~~(j) An applicant for reinstatement of licensure shall document that he or she has completed a minimum of 18 continuing education hours as specified in this Rule within the two years preceding the date of application for reinstatement of licensure and shall attest on each subsequent biennial renewal application to having met the mandatory continuing education requirements specified in this Rule.~~
- ~~(k) For Category A, a licensee shall maintain certificates from Category A programs and written documentation of the following for a minimum of seven years:~~
- ~~(1) — date of program;~~
 - ~~(2) — number of contact hours;~~
 - ~~(3) — name of sponsor of program;~~
 - ~~(4) — title of program; and~~
 - ~~(5) — location of program.~~
- ~~(l) For Category B, a licensee shall maintain applicable written documentation of the following for Category B activities consistent with this Rule for a minimum of seven years:~~
- ~~(1) — date of program or activity;~~
 - ~~(2) — number of instructional or contact hours as defined in Paragraphs (d) and (e) of this Rule;~~
 - ~~(3) — description of activity;~~
 - ~~(4) — name of presenter, facilitator, or leader;~~
 - ~~(5) — name of sponsor;~~
 - ~~(6) — location;~~

1 ~~(7) — full citation of article; and~~

2 ~~(8) — summary of content.~~

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

6 ~~(m) A licensee shall provide certificates, documentation, and a signed attestation form designed by the Board within~~
7 ~~30 days after receiving written notification from the Board that proof of completion of continuing education hours is~~
8 ~~required. The Board may randomly verify the documentation of required continuing education hours for a percentage~~
9 ~~of licensees and may do so during the investigation of any complaints. A licensee shall not submit documentation of~~
10 ~~continuing education obtained unless directed to do so by the Board. The Board shall not serve as a depository for~~
11 ~~continuing education materials prior to its directing that documentation must be submitted.~~

12 (c) Definitions.

13 (1) Continuing education hour – one hour of instructional or contact time.

14 (2) Biennial renewal period – the period of time from the first day of October in each even numbered
15 year, continuing for the following two years and sixty days, which is until the last day in November
16 in the next even numbered year.

17 (3) Category A program sponsor –

18 (A) North Carolina Psychology Board;

19 (B) American Psychological Association (APA);

20 (C) American Psychological Association approved sponsors;

21 (D) National Association of School Psychologists (NASP);

22 (E) National Association of School Psychologists approved sponsors;

23 (F) North Carolina Area Health Education Centers (NCAHEC); or

24 (G) North Carolina Psychological Association (NCPA).

25 (4) Category B program sponsor – any program sponsor not listed in Subparagraph (3) of this
26 Paragraph.

27 ~~(d) During each biennial renewal period, a licensee must complete a minimum of 24 continuing education hours, a~~
28 ~~minimum of 15 of which must be completed under a Category A program sponsor as defined in Subparagraph (c)(3)~~
29 ~~of this Rule, and the remaining required hours of continuing education may be completed in either Category A or~~
30 ~~Category B. Included in the 15 hours under a Category A program sponsor, a minimum of 3 continuing education~~
31 ~~hours in the area of ethics in the professional practice of psychology must be completed. To be credited as fulfillment~~
32 ~~of this requirement, the word “ethics” or a derivative of the word “ethics” must be in the title of the program, and the~~
33 ~~program must include such content.~~

34 ~~(e) Except as specified in Paragraphs (g) and (h) of this Rule, the 24 continuing education hours, whether Category~~
35 ~~A or B, must meet all of the following requirements:~~

36 ~~(1) The continuing education hours must be obtained through:~~

37 ~~(A) in-person attendance at programs;~~

(B) presentations at programs; or,
(C) completion of on-line or correspondence courses.

(2) The program sponsor shall award a certificate of completion which documents the following information:

(A) name of sponsor and any cosponsor of program;
(B) number of contact hours credited explicitly for psychologists;
(C) title of program;
(D) date of program; and
(E) in the case of an APA or NASP approved sponsor, a statement that the entity is APA or NASP approved to provide the program as continuing education to psychologists.

(3) All continuing education hours, whether Category A or B, must be in the maintenance and enrichment of professional skills and competencies within the licensee's scope of practice in psychology, including, but not limited to:

(A) training in empirically supported assessment and/or treatment;
(B) the application of research to the practice of psychology;
(C) legal issues in psychology;
(D) ethics in the professional practice of psychology;
(E) training in how to properly supervise in accordance with Board rules regarding supervision requirements, as described in Rule .2001(c) of this Chapter; and
(F) training in best practice standards and guidelines.

(f) To renew a licensee, a licensee shall submit the following to document that he or she has met the continuing education requirements specified in this Rule:

(1) a signed attestation form created by the Board; and
(2) except as specified in Paragraphs (g) and (h) of this Rule, copies of certificates of completion that include the information specified in Subparagraph (e)(2) of this Rule.

(g) A maximum of three continuing education hours may be credited in each biennial renewal period for any licensee who has received Board-required supervision, except when specified otherwise under a Consent Order or Final Decision executed by the Board. These three hours must be documented by the supervisor and will be credited toward the maximum nine hours allowed under Category B program sponsors.

(h) A maximum of nine continuing education hours may be credited in each biennial renewal period for graduate course work completed on a pass/fail or graded basis in a doctoral psychology program that is approved by the American Psychological Association. These hours must be documented on an official transcript sent to the Board by the institution of higher education at which the applicant completed the courses and will be credited toward the maximum nine hours allowed under Category B program sponsors.

(i) A maximum of one continuing education hour may be credited in each biennial renewal period for completion in each renewal cycle of the Board developed ethics renewal examination described in Rule .1901(a)(3) of this Chapter.

(j) Continuing education hours credited for license renewal in one biennium renewal period shall not be credited for license renewal in another biennium renewal period.

1 (k) An individual licensed on or before October 1, 2020, shall attest on the license renewal application for the 2020-
2 2022 biennial renewal period, and on each subsequent biennial renewal application, to having met the mandatory
3 continuing education requirements specified in this Rule. An individual licensed after October 1, 2020, shall attest on
4 the second license renewal application following licensure, and on each subsequent biennial renewal application, to
5 having met the mandatory continuing education requirements specified in this Rule.

6 (l) An applicant for reinstatement of licensure must document that he or she has completed a minimum of 24
7 continuing education hours as specified in this Rule within the two years preceding the date of application for
8 reinstatement of licensure and must attest on each subsequent biennial renewal application to having met the
9 mandatory continuing education requirements specified in this Rule.

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11 *History Note: Authority G.S. 90-270.9; 90-270.14(a)(2);*

12 *Eff. August 1, 2002;*

13 *Amended Eff. July 1, ~~2003~~; 2003;*

14 *Readopted April 1, 2020.*
15
16

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2202

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In your History Note, 57C-2-01(c) has been repealed. What is your authority to require anything of a professional limited liability corporation (including making them file a certificate of registration or get approval of their Articles of Organization)?

In (a)(2) and (3), is the intent that both Articles of Incorporation and Organization have to be approved by the Board? What is your authority to require approval of either? I think that you can require professional corporations to obtain a certificate of registration (but not limited liability corporations based upon what you've cited) by sending in the form and paying the fee, but I do not think that you have any authority to get to approval of their business and their Articles of Incorporation. Do you just mean that they have to send them to you in order for you to grant a certificate of registration (as opposed to you actually approving them)?

If you do have authority over the approval of the Articles of Incorporation and Organization, what factors will the Board use in determining whether to approve them?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2202 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2202 CERTIFICATE OF REGISTRATION

The information required for an applicant to obtain a certificate of registration for a professional corporation or professional limited liability company organized to render professional psychological services shall consist of:

(1) typed, or ~~legibly printed, notarized~~ signed or digitally signed application ~~form; form.~~ The form shall include the following information:

(A) name of corporation;

(B) purpose for which corporation is organized;

(C) mailing address;

(D) email address;

(E) telephone number;

(F) name, address, and license number (if applicable) of incorporator(s);

(G) name and license number of stockholder(s);

(H) name and occupation of members of board of directors;

(I) name and occupation of officers;

(J) name and license number of psychologists to be employed by the corporation; and

(K) name and duties of persons other than psychologists employed, or to be employed, by the corporation.

(2) ~~registration fee;~~ a completed Articles of Incorporation for a professional corporation or the Articles of Organization for a professional limited liability company to be reviewed and approved by the Board, Board Chair or the Chair's designee; and

(3) following submission of the Board-approved Articles of Incorporation or Articles of Organization to the Secretary of State by the applicant, the applicant must submit to the Board a final certified copy ~~by from the Secretary of State~~ of the Articles of Incorporation or Articles of Organization issued by the Secretary of State. The certificate of registration shall remain effective until January 1 following the date of such registration.

History Note: Authority G.S. 55B-10; 57C-2-01(c); 90-270.9;

Eff. September 1, 1982;

Amended Eff. July 1, 1996; March 1, 1989; January 1, ~~1986.~~ 1986;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2203

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Are the contents of the renewal application set forth elsewhere in rule or statute? If not, please provide them here. Also, please provide a cross-reference to the renewal fee. If the renewal fee for professional corporations is not otherwise provided, please say what the renewal fee for these is here.

In your History Note, 57C-2-01(c) has been repealed. What is your authority to charge a fee and require renewal of a professional limited liability company?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2203 is proposed for readoption with as follows:

21 NCAC 54 .2203 RENEWAL OF CERTIFICATE OF REGISTRATION

An application for renewal shall be sent to each registered professional corporation and professional limited liability company prior to January 1. The Board shall renew the certificate of registration upon receipt of the completed written application of the holder and the renewal fee.

History Note: Authority G.S. 55B-11; 57C-2-01(c); 90-270.9;

Eff. September 1, 1982;

Amended Eff. July 1, ~~1996~~. 1996;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2301-.2303

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please combine these repeals in accordance with 26 NCAC .0406(b). An example can be found at <https://files.nc.gov/ncoah/documents/Rules/Examples---Permanent-Repeal-Of-Consecutive-Rules-For-Publication-In-The-Ncac.pdf>. Please note that one form can be used for all three rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

1 21 NCAC 54 .2301 is proposed for repeal as follows:
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3 **21 NCAC 54 .2301 RIGHT TO HEARING**
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5 *History Note:* *Authority G.S. 90-270.9; 150B-3(b); 150B-38;*

6 *Eff. August 1, 1984;*

7 *Amended Eff. March 1, 1989; September 1, 1988; January 1, ~~1986.~~ 1986.*

8 *Repealed April 1, 2020.*
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1 21 NCAC 54 .2302 is proposed for repeal as follows:

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3 **21 NCAC 54 .2302** **REQUEST FOR HEARING**

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5 *History Note:* *Authority G.S. 90-270.9; 150B-38;*

6 *Eff. August 1, 1984;*

7 *Amended Eff. March 1, ~~1989~~ 1989;*

8 *Repealed April 1, 2020.*

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1 21 NCAC 54 .2303 is proposed for repeal as follows:
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3 **21 NCAC 54 .2303 GRANTING OR DENYING HEARING REQUESTS**
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5 *History Note: Authority G.S. 90-270.9; 150B-38;*

6 *Eff. August 1, 1984;*

7 *Amended Eff. August 1, 1987; January 1, ~~1986~~ 1986;*

8 *Repealed April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2304

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given 150B-38(b), is this Rule necessary?

Item (2) appears to be unnecessary as written responses are addressed by 150B-38(d). Also,, it conflicts with statute by allowing "any other time as may be set out in the notice." Please remove this Item if you decide you need this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2304 is proposed for readoption substantive changes as follows:

21 NCAC 54 .2304 NOTICE OF HEARING

In addition to the items specified in G.S. 150B-38(b) to be included in the notice, notices of administrative hearings of the North Carolina Psychology Board: Board of Examiners of Practicing Psychologists:

(1) shall give the name, position, address, and telephone number of a member, employee, or agent of the Board to contact for further information or discussion;

~~(2) may give notice of the date and place for a prehearing conference, if any;~~

~~(3)~~(2) shall inform the party or parties, other than the Board, of the right to file a written response to the allegations in the notice of hearing no later than ten days prior to any scheduled hearing date or within such other time as may be set out in the notice; and

~~(4)~~(3) may include any other information deemed relevant to informing the party or parties as to the procedure of the hearing.

History Note: Authority G.S. 90-270.9; 150B-38;

Eff. August 1, 1984;

Amended Eff. March 1, 1989; September 1, 1988; August 1, 1987; January 1, ~~1986~~, 1986;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2305

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given 150B-40, is this Rule necessary?

What is the overall intent of this Rule? Is it necessary? What is meant by "normally"? Won't all hearings be held in accordance with Article 3A of Chapter 150B? I assume that you mean that the Board will conduct the hearings, unless an ALJ is requested in accordance with 150B-40(e)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2305 is proposed for readoption as follows:

21 NCAC 54 .2305 WHO SHALL HEAR CONTESTED CASES

All administrative hearings will normally be heard by the Board.

*History Note: Authority G.S. 90-270.9; 150B-40(b); 150B-40(e);
 Eff. August 1, 1984;
 Amended Eff. January 1, ~~1986~~ 1986;
 Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2308

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please review this Rule in light of the Ethics Act and 150B-40. I don't know that all of it is necessary.

Given the Ethics Act, is (a) necessary?

In (b), please consider adding something like "seeking his or her disqualification."

In (d), change "will" to "shall" in "will be considered"

*In (d), please tie "timely" in with the affidavit. Two suggestions: 1) in (d), say "shall be considered timely **as required by 150B-40**"; or 2) in (b) say "the party may **timely** file..."*

In (d), what is "any other affidavit"? Are we still talking about the disqualification or something else? If you're talking about the disqualification, could you say "An affidavit seeking the disqualification shall be considered timely if filed at least 10 days before the commencement of the hearing or, if filed within 10 days of the hearing, as soon as the party becomes aware of the facts that give rise to the belief that Board member may be disqualified."

In (d), delete "reasonable"

Given 150G-40(b), is (e) necessary?

Because you've not done it elsewhere in your Rules, delete the introductory language in each Paragraph (in (a) "Self-Disqualification of Board Member.", in (b) "Petition for Disqualification.", in (c) "Contents of Affidavit.", etc.)

Given 150B-40(b), is (e) necessary?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2308 is proposed for readoption as follows:

21 NCAC 54 .2308 DISQUALIFICATION OF BOARD MEMBER

(a) Self-Disqualification of Board Member. If for any reason a Board member determines that personal bias or other factors render him unable to conduct or participate in the hearing and perform all duties in an impartial manner, he shall submit, in writing, to the Board, his disqualification and the reasons.

(b) Petition for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to conduct or participate in the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board.

(c) Contents of Affidavit. The affidavit must state all facts the party deems relevant to the disqualification of a Board member.

(d) Timeliness of Affidavit. An affidavit of disqualification will be considered timely if filed at least 10 days before commencement of the hearing. Any other affidavit will be considered timely provided it is filed at the first opportunity after the party becomes aware of the facts which give rise to a reasonable belief that a Board member may be disqualified under this Rule.

(e) Procedure for Determining Disqualification.

(1) The chairperson of the Board may appoint a member of the Board to investigate the allegations of the affidavit and report his findings and recommendations to the Board.

(2) The Board, with the advice of such assistants as it deems appropriate, shall decide whether to disqualify the challenged individual.

(3) The person whose disqualification is to be determined will not participate in the decision but will have the right to furnish information to the Board.

(4) A record of proceedings and the reasons for decisions reached will be maintained as part of the contested case.

(f) Disqualification or withdrawal of a Board member because of personal bias or otherwise will not require the hearing to be postponed unless a quorum is not available or the Board member disqualified is the presiding officer and assignment of a new presiding officer would cause substantial prejudice to any party.

*History Note: Authority G.S. 90-270.9; 150B-40(b);
Eff. August 1, 1984;
Amended Eff. March 1, 1989; January 1, ~~1986~~. 1986.
Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2309

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given 150B-40(a), is Paragraph (a) of this Rule necessary?

In Paragraph (b), change "will" to "shall" and provide some additional information as to what constitutes a "compelling circumstance." What factors will be used in determining whether a "compelling circumstance" exists.

In Paragraph (b), delete "usually only one such postponement will be allowed."

In Paragraph (c), is a "written petition... for a reopening of the case" essentially a motion for reconsideration?

In Paragraph (d), change "will" to "shall." Also, how will it be determined whether something is "justifiable", "unavoidable", and whether "fairness requires reopening"? What factors will be used in determining this?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2309 is proposed for readoption as follows:

21 NCAC 54 .2309 FAILURE TO APPEAR

(a) Should a party fail to appear at a scheduled hearing, the Board may proceed with the hearing in the party's absence, order a continuance or recess, or dismiss the proceeding.

(b) Continuances will be granted only in compelling circumstances. Usually only one such postponement will be allowed.

(c) If a hearing is conducted or a decision is reached in an administrative hearing in the absence of a party, or if a proceeding is dismissed as to a party, that a party may file a written petition with the Board for a reopening of the case.

(d) Petitions for reopening a case will not be granted except when the petitioner can show that the reasons for his failure to appear were justifiable and unavoidable and that fairness requires reopening the case.

History Note: Authority G.S. 90-270.9; 150B-40(a);

Eff. August 1, 1984;

Amended Eff. March 1, 1989; January 1, ~~1986~~ 1986;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2311

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please review this Rule in relation to 150B-39(c). Much of it appears to either recite or conflict with Statute. Is this Rule necessary?

In (a), change "will" to "shall"

In (a), delete or define "promptly"

In (b), 150B-39(c) says that they will be "issued and served in accordance with G.S. 1A-1, Rule 45." So, do you need this Paragraph? If so, please use language consistent with the statute.

In (c), change "shall be" to "is"

Please be sure that (d) is consistent with G.S. 150B-39(c).

In (d), delete "concise, but complete"

In (f), how long will they have to file the written response? Please delete "in such time as may be granted by the presiding officer" and put specifics in Rule. I understand if you need to create a waiver of that time limitation (by putting in factors you all will use in making that determination.)

In (h), delete or define "promptly"

In (h), change "will" to "shall"

In (i), put lines 30-34 in list form. Same for lines 34-37 for "return of service" (if you need this language at all.)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2311 is proposed for readoption as follows:

21 NCAC 54 .2311 SUBPOENAS

(a) Subpoenas requiring the attendance of witnesses, or those to produce documents, evidence, or things will be issued by the member of the Board designated as presiding officer promptly following receipt of a request from a party to the case for such subpoena.

(b) Subpoenas shall be served (in any manner provided by law) as the officer issuing the subpoena shall direct and as may be appropriate to the circumstances of the case. Subpoenas shall be issued in duplicate, with a "Return of Service" form completed and returned to the presiding officer or the Board office.

(c) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board at its office. Such objection must be filed within five days of receipt of the subpoena or two days prior to the date on which the subpoena provides for testimony to be taken or documents to be produced, whichever shall be sooner.

(d) Such objection will include a concise, but complete, statement of reasons why the subpoena should be revoked or modified. These reasons may include lack of relevancy of the evidence sought, lack of particularity in the description of the evidence sought, or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought, or other undue hardships.

(e) Any such objection to a subpoena must be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.

(f) The party who requested the subpoena, in such time as may be granted by the presiding officer, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.

(g) After receipt of the objection and response thereto, if any, the Board or the presiding officer shall issue a notice to the party who requested the subpoena and the party who is challenging it, and may notify all other parties, of an open hearing, to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response, if any.

(h) Promptly after the close of such hearing, the Board will rule on the challenge and issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.

(i) Subpoenas shall contain: the caption of the case; the name and address of the person subpoenaed; the date, hour and location of the hearing in which the witness is commanded to appear; a particularized description of the books, papers, records or objects the witness is directed to bring with him to the hearing, if any; the identity of the party on whose application the subpoena issued; the date of issue; the manuscript signature of the presiding officer; and a "Return of Service." The "Return of Service" form, as filled out, shows the name and capacity of the person serving the subpoena, the date on which the subpoena was delivered to the person directed to make service, the date on which service was made, the person on whom service was made, the location and manner in which service was made, and the manuscript signature of the person making service.

38

39 *History Note:* Authority G.S. 90-270.9; 150B-39(c);

40 *Eff. August 1, 1984;*

41 *Amended Eff. March 1, 1989; January 1, ~~1986~~ 1986;*

42 *Readopted April 1, 2020.*

43

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2314

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given 150B-40(c), is this Rule necessary?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

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REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2401

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

On line 5, change "should" to "shall"

Please note that 150B-20(a) sets forth the mandatory requirements of the petition. The mandatory requirements and this Rule conflict. 150B-20 say that anyone requesting the creation or amendment of a Rule has to provide the proposed text and the statement of the effect. To the extent that you want to request folks send additional information over what is required by 150B-20, you can make this a separate Paragraph and say "A petitioner may submit the following additional information."

150B-11 and 16 have been repealed. Please remove these citations from your History Note and instead add 150B-20.

Please let me know if you want an example of a petition for rulemaking Rule that has recently been approved by RRC.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2401 is proposed for readoption as follows:

21 NCAC 54 .2401 PETITION FOR RULEMAKING HEARINGS

Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Board shall address a petition to the Board. The petition should include the following information:

- (1) an indication of the subject area to which the petition is directed (for example: "This is a petition to conduct rulemaking to amend Section 21 NCAC 54 .2200 pertaining to Professional Corporation");
- (2) either a draft of the proposed rule or a summary of its contents;
- (3) reasons for the proposal;
- (4) the effect on existing rules;
- (5) any data supporting the proposal;
- (6) effect of the proposed rule on existing practices in the area involved, including cost factors if available;
- (7) names of those most likely to be affected by the proposed rule, with addresses if reasonably known; and
- (8) name(s) and address(es) of petitioner(s).

*History Note: Authority G.S. 90-270.9; 150B-11(1); 150B-16;
Eff. June 1, 1988;
Amended Eff. March 1, ~~1989~~ 1989;
Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2402

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given G.S. 150B-20, is this Rule necessary?

150B- 16 has been repealed. Please remove these citations from your History Note and instead add 150B-20.

In (a), line 5, change "his/her" to "his or her"

In (a), delete "appropriate" and "relevant"

I assume that all of the actions by the chairperson or his or her designee are in addition to those requirements set forth in 150B-20(a)?

In (b), change "either the institution of rulemaking proceedings or the denial of the petition" to "grant or deny the petition" in order to be consistent with the language of 150B-20. Also, delete "to be proper and" or say how this determination will be made.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2402 is proposed for readoption as follows:

21 NCAC 54 .2402 DISPOSITION OF PETITION

(a) The Board shall determine whether to grant the petitioner's request. Prior to making this determination, the Board's chairperson or his/her designee may request additional information from the petitioner(s), may contact interested persons likely to be affected by the proposed rule and request comments, or may use any other appropriate method for obtaining relevant information. The chairperson or designee shall consider all of the contents of the petition submitted plus any other information obtained by the means described herein.

(b) The chairperson or designee shall recommend to the Board either the institution of rulemaking proceedings or the denial of the petition, as the total information obtained suggests to be proper and in the public interest.

History Note: Authority G.S. 90-270.9; 150B-16;

Eff. June 1, ~~1988~~. 1988;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2601

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

150B-11 and 17 have been repealed. Please remove these citations from your History Note and instead add 150B-4.

In (b)(3), delete "concise"

Do you all otherwise have in Rule the required information of 150B-4 ("the circumstances in which rulings shall or shall not be issued")? Please let me know if you have an example of a Declaratory Rulings Rule that has recently been approved by RRC.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2601 is proposed for readoption as follows:

21 NCAC 54 .2601 REQUEST FOR DECLARATORY RULING

(a) All requests for declaratory rulings shall be written and mailed to the North Carolina State Board of Examiners of Practicing Psychologists at the address shown in Rule .1602 of this Chapter.

(b) Each Request for Declaratory Ruling must include the following information:

- (1) name and address of the persons requesting the ruling;
- (2) the statute or rule to which the request relates;
- (3) a concise statement of the manner in which the requesting person is aggrieved by the rule or statute or its potential application to him/her; and
- (4) a statement whether an oral hearing is desired and, if so, the reason therefor.

History Note: *Authority G.S. 90-270.9; 150B-11(1); 150B-17;*

Eff. June 1, ~~1988~~, 1988;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2701

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule and why is it necessary? G.S. 90-270.4 defines "health services" as the "practice of psychology" and also defines "psychology." Is the intent that this just give additional information to the definition? Please confirm that you are not changing or enhancing any of the statutory provisions through this Rule.

Throughout this rule change "clients/patients" to "clients or patients" or "clients and patients"

In (a)(4), change "(e.g.," to "such as" and delete the closing parenthesis after "records"

Please correct the numbering in (b). You have two Subparagraphs labeled as (1).

I'm not sure that I understand how (b)(1) is not considered a "health service" when its done in a clinical setting. G.S. 90-270.2 defines "health service" as "those activities... that include the delivery..." Is supervision not involved in the delivery? I note that there are certain services that can't be delivered without supervision in accordance with G.S. 90-270.5(e).

In (b)(1), what is "psychoeducational instruction to individuals who are not identified clients/patients of the psychologist providing such instruction"? Is this not included as a health service because this does not involve the direct delivery?

In (b)(2), why have you included "including assessment of interests and aptitudes"? This language is specifically included in the definition of "psychology" in G.S. 90-270.2. Is the intent here to differentiate "career counseling" from the direct service of "evaluation and assessment of personal characteristics"?

Given 90-270.4(a), why is (b)(4) (the teaching of psychology" necessary?

In (b)(6), change "(e.g.," to "such as" and delete the parenthesis after "communications."

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road,
Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2701 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2701 HEALTH SERVICES ACTIVITIES

(a) Health services in psychology include services provided directly to clients/patients or groups of clients/patients.

Such services include the following:

- (1) the diagnosis, evaluation, treatment, remediation, and prevention of:
 - (A) mental, emotional, and behavioral disorder;
 - (B) substance abuse and dependency; and
 - (C) psychological aspects of physical illness, accident, injury, and disability.
- (2) psychotherapy, counseling, psychoeducational, and neuropsychological services related to services described in Subparagraph (a)(1) of this Rule;
- (3) psychological assessment and report writing, including scoring of test protocols;
- (4) documentation of services provided to clients/patients (e.g., progress or process notes, clinical entries in records);
- (5) collateral contacts by a psychologist with family members, caretakers, and other individuals for the purpose of benefiting a client/patient of that psychologist; and
- (6) consultation with other professionals in service to the psychologist's clients/patients.

(b) Health services in psychology do not include the following:

- (1) clinical supervision of other professionals who provide health services to clients/patients;
- ~~(2)~~ (1) psychoeducational instruction to individuals who are not identified clients/patients of the psychologist providing such instruction;
- ~~(3)~~ (2) career counseling, to include assessment of interests and aptitudes;
- ~~(4)~~ (3) vocational and educational guidance;
- ~~(5)~~ (4) the teaching of psychology;
- ~~(6)~~ (5) the conduct of psychological research and the provision of psychological services or consultations to organizations or institutions, except when such activities involve the delivery of direct health services to individuals or groups of individuals who are themselves the intended beneficiaries of such services; or
- (7) (6) administrative tasks associated with the delivery of health services, (e.g., billing and insurance communications).

History Note: Authority G.S. 90-270.2(4); 90-270.2(8); 90-270.9;

Temporary Adoption Eff. April 20, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. July 1, 1994;

Amended Eff. July 1, ~~2009~~; 2009;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2703

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

On line 4, what is considered to be "close proximity"?

On line 6, change "patients/clients" to "patients or clients"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2703 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2703

A health services provider certificate shall be displayed in close proximity to a licensee's licensure ~~certificate~~ certificate, in his/her principal place of employment and in a place that is visible to the licensee's served clientele, or be available for view upon request by the licensee's patients/clients, at any time that licensee is practicing psychology.

History Note: Authority G.S. 90-270.9; 90-270.20;

Eff. July 1, ~~1994~~. 1994;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2704

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

On line 8, when will the Board request documentation? Is he or she not always required to provide this information pursuant to (b) and (c)? Do you mean "if requested by the Board" or here, do you mean something like "The applicant shall submit the application form and documentation as set forth in Paragraphs (b) and (c) or (e) of this Rule"?

Please break out the substantive requirements of the form into a list.

In (b), how is he or she to "demonstrate" this? You've not required any of this information on the application (other than saying what level her or she is applying.) Is the intent here that they submit documentation regarding one of these things? If so, say that.

Also, for (b), do you mean something like "For purposes of G.S. 90-270.20(b), a licensed psychologist shall be qualified by education upon documentation of the following." I think that you need to tie this back to the statute to make it clear.

In (b)(1), say "is approved for or is listed in the National Register of Health Service Providers in Psychology at the time of the application" Otherwise, delete or define "currently"

In (b)(3), change "which" to "that" in "which was accredited"

Regarding (b)(4), are the qualifications of a doctorate program to be licensed different than those qualifications of a program sufficient to obtain an HSP-P? In other words, could a student complete a doctorate and obtain a license to be a licensed psychologist, but that same program wouldn't qualify him or her for HSP-P? I think that's correct based upon this Subparagraph, but I'm trying to understand the overall intent of (b)(4).

In (b)(4), health services is defined by 90-270.2(4). It further clarified by Rule .2701. Delete "as defined in Rule .2701(a) of this Section"

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

In (b)(4)(A), what is a “formal postdoctoral program of re-specialization”? G.S. 90-270.11(a)(3) requires a doctoral degree based on a planned and directed program of studies in psychology from an institution of higher education. Does this “formal postdoctoral program” fall into that? Alternatively, is this program of re-specialization happen for someone who has received the doctorate in a program that did not originally qualify them for the HSP-P? Again, I’m trying to understand what’s going on here.

What does (b)(4)(A) mean? Delete or define “organized” and “clear”

In (b)(4)(A), how is a program to be an “organized training program which has established a clear intent...” Here, do you mean something like ‘the applicant’s doctoral program or formal postdoctoral program of re-specialization in psychology shall train individuals to provide health services in psychology’? If that’s what you mean, say that.

In (b)(4)(A), delete “as defined by G.S. 90-270.2(4) and Rule .2701(a) of this Section”

In (b)(4)(B), provide the information in list form or delete “one or more of the following areas” and remove the numbering.

In (b)(4)(C), delete “pursuant to final board approval” Isn’t all of this subject to Board approval?

What is the intent of (b)(4)(D)? Please review and clarify.

In (b)(4)(E), do you mean “a doctoral program that trains individuals for careers...” The “that establishes in institutional publications an intent to” makes this confusing.

Regarding (b)(4)(F), just to be clear, formal postdoctoral programs of re-specializations are take at institutions of higher education?

In (c), what is an “organized health services training program”? Do you need this language? By (c), do you just mean something like “Except as provided in Paragraph (e) of this Rule, and in addition to the one year of supervised experience required by Paragraph (d) of this Rule, an applicant shall have one year of supervised experience as follows:”? If you do need it, do you mean something like “Except as provided in Paragraph (e) of this Rule, and in addition to the one year of supervised experience required by Paragraph (d) of this Rule, an applicant shall obtain one year of supervised experience through an organized health services program. The organized health services program shall meet the following requirements:” so, why not just say that (or something like it)?

In (c)(1), what is the intent here? What is meant by “planned and directed”, “in contrast to “on the job” training”, and “programmed”? What is the actual requirements? Here, can you say “the training shall be a planned sequence of training experience? Also, who is to make this plane?

In (c)(2), change “which” to “that”

In (c)(3), delete “clearly”

In (c)(6), delete “as defined in Rule .2701(a) of this Section”

In (c)(8), please track the language of (c)(9) and say “The training shall be under the direction of a licensed, certified, or license eligible doctorally trained psychologist...”

In (c)(8), what is meant by “ongoing contact”? Again, what is the actual requirement? Must they just be available for the trainees? Must they have meetings?

What is the difference between (c)(8) and (9)? What is the difference in responsibilities? Do you need both (but I note that (c)(8) requires two and (c)(9) requires two. Is (c)(8) a general requirement of the facility and (c)(9) is a specific requirement for the trainee? Alternatively, is (c)(9) a general requirement of the facility in order to have one point of contact for the training program, but is not necessarily the point of contact for an individual trainee? Please review and revise.

In (c)(9), what is meant by “ongoing contact”?

In (c)(10), delete “specific”

In (c)(11), change “in additional” to “in addition”

I think that line 20 (“This specified year...”) was intended to be a separate subparagraph. Please do so. Also, I think that lines 22—25 would also be appropriate for their own separate Subparagraph.

In (d)(3), delete “as defined in Rule .2701(a) of this Section”

In (d)(4), change “shall have been” to “shall be”

Also, in (d)(4), do you still need the 1994 exception? I understand the need for it previously, but I do not now.

In (d)(5), change “shall have been” to “shall be”

In (d)(5), what is “appropriately licensed”? Delete or define “appropriately”

In (d)(6), change “shall not have been” to “shall not be”

In (d)(6), what is a “close relative” or “close personal friend”? This language is ambiguous. Please either delete it or provide some additional clarifying information.

Lines 3-5 (“this specified year...” appears to be appropriate for a separate Subparagraph. Please do so.

In (e), delete “on the effective date of this Rule”

In (e), change “which” to “that” and delete “of an organized health services training program as”

Do you need (b)(1) (2) and (f)(1) and (2)?

In (e), what is your authority to require any supervised experience requirement? G.S. 90-270.20(d) says that “any licensed psychologists holding a provisional license who is

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

qualified by education may be granted certification..." It further requires the payment of a fee. There is no mention of supervised experience requirements.

In (f) and (g), what is your authority to carve out these exceptions to the two year requirement? G.S. 90-270.20(b) says that two years of supervised health services experience is required. I don't see anywhere (other than for a licensed psychologist with a provisional license) that allows for a waiver of the two year experience requirement except as set forth in 90-270.20(e), but to take advantage of (e), folks had to apply to the Board before June 30, 1994.

On line 7, please move (h) to the next line to create a new Paragraph.

On line 10, when would the notification be required?

In (h), please consider providing the cross-reference to the discipline.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .2704 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2704 HSP-P REQUIREMENTS

(a) To be certified as a health services provider psychologist (HSP-P), a licensed psychologist holding permanent North Carolina licensure shall be qualified by education as defined in Paragraph (b) of this Rule and shall have completed two years of supervised experience, of which at least one year shall be post-doctoral. These two years of experience shall meet the criteria specified in Paragraphs (c) and (d) of this Rule, or in Paragraph (e) of this Rule. An applicant shall submit a completed, notarized application form ~~and~~ and, if requested by the Board, provide documentation of meeting health services provider requirements. The application form shall include the following information: applicant's name; mailing address; email address; telephone number; license number; and health services provider certification level applying for.

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

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

- (C) Pursuant to final Board approval, an applicant shall be considered to have been trained in the provision of health services in psychology if the applicant establishes that requirements set forth in Parts (b)(4)(A) and (b)(4)(B) of this Rule have been met through a doctoral program, or formal postdoctoral program of re-specialization, in any one of the following areas of specialization in psychology: applied behavior analysis in psychology, applied developmental psychology, clinical psychology, counseling psychology, rehabilitation psychology, or school psychology.
- (D) An applicant who holds a doctoral degree in psychology, who applies for licensure as a Licensed Psychologist, and who holds a master's or specialist degree in psychology that provides training in the provision of health services shall not be eligible for HSP-P certification if the applicant's doctoral program, or formal postdoctoral re-specialization program, in psychology does not also provide training in the provision of health services as set forth in Parts (b)(4)(A) and (b)(4)(B) of this Rule. If the applicant has a doctoral degree in an area of psychology that does not provide training in the provision of health services, that applicant shall not be eligible for HSP-P certification even if the applicant establishes that course work in the areas listed in Part (b)(4)(B) was completed or if the applicant has completed an applied training experience (i.e., practicum, internship, residency, postdoctoral fellowship, etc.) in the provision of health services without having completed a planned and directed doctoral or formal postdoctoral training program in health services in psychology.
- (E) An applicant who has completed a doctoral program that establishes in institutional publications an intent to train individuals for careers in administration, research, teaching, academia, and other areas not involving training in the provision of health services in psychology shall not be considered to have been provided an academic foundation in the provision of health services and shall not be approved for HSP-P certification.
- (F) Only that course work taken at an institution of higher education as defined in G.S. 90-270.2(5) shall be considered by the Board to establish that an applicant has an academic foundation in the provision of health services.
- (c) Except as provided in Paragraph (e) of this Rule, an applicant shall demonstrate one year of supervised experience which meets the following requirements for an organized health services training program:
- (1) The training shall be a planned and directed program in the provision of health services, in contrast to "on the job" training, and shall provide the trainee with a planned, programmed sequence of training experience.
 - (2) The training site shall have a written statement or brochure which describes its training program and is made available to prospective trainees.
 - (3) Trainees shall be designated as "interns," fellows," or "residents," or hold other designation which clearly indicates training status.

- (4) The training shall be completed within 24 months.
 - (5) The training shall consist of at least 1500 hours of practice.
 - (6) At least 25% of the training shall be spent in the provision of direct health services, as defined in Rule .2701(a) of this Section, to patients or clients seeking assessment or treatment.
 - (7) Up to 25% of the training may be comprised of research activities.
 - (8) There shall be a minimum of two doctorally trained licensed, certified, or license eligible psychologists at the training site as supervisors who have ongoing contact with the trainee.
 - (9) The training shall be under the direction of a licensed, certified, or license eligible doctorally trained psychologist who is on the staff of the training site, who approves and monitors the training, who is familiar with the training site's purposes and functions, who has ongoing contact with the trainee, and who agrees to assume responsibility for the quality, suitability, and implementation of the training experience.
 - (10) The training shall provide a minimum of two hours per week of individual face-to-face discussion of the trainee's practice, with the specific intent of overseeing the health services rendered by the trainee. Supervision may be provided in part by psychiatrists, social workers, or other mental health professionals qualified by the training site, but at least 50 percent of supervision shall be provided by licensed, certified, or license-eligible doctorally trained psychologists.
 - (11) In addition to individual supervision, the training site shall provide a minimum of two hours per week of instruction which may be met by group supervision, assigned reading, seminars, and similarly constituted organized training experiences. This specified year of supervised experience may be obtained at a predoctoral level, provided that an additional year of supervised experience as defined in Paragraph (d) of this Rule is obtained at a post-doctoral level. Internships accepted for listing in the National Register of Health Service Providers in Psychology and internships accredited by the American Psychological Association in Clinical Psychology, Counseling Psychology, or School Psychology shall be deemed to meet the requirements in this Paragraph.
- (d) An applicant shall demonstrate one year of supervised experience which meets the following requirements:
- (1) The experience shall consist of a minimum of one calendar year and include 1500 hours of supervised experience.
 - (2) The experience shall be completed within a consecutive four-year period.
 - (3) The supervision shall be for the direct provision of health services in psychology, as defined in Rule .2701(a) of this Section, by the applicant to individuals or groups of clients/patients.
 - (4) At least one hour per week of formal, face-to-face, individual supervision shall have been provided, except that individual supervision provided up until January 1, 1996, may have been provided in two, two-hour sessions per month.
 - (5) The supervisor shall have been an appropriately licensed or certified psychologist, whose license or certificate was in good standing, in the state where the practice occurred.

(6) The supervisor, at the time of supervision, shall not have been in a dual relationship with the supervisee, ~~e.g.,~~ such as spouse, other close relative, close personal friend, or therapist. This specified year of supervised experience may be obtained at a predoctoral level, provided that an additional year of supervised experience as defined in Paragraph (c) of this Rule is obtained at a post-doctoral level.

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

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

(1) is currently approved for listing, or is currently listed, in the National Register of Health Service Providers in Psychology;

(2) is a diplomate in good standing of the American Board of Professional Psychology in Clinical Psychology, Counseling Psychology, or School Psychology;

(3) is a graduate from a doctoral program which was accredited at the time of the applicant's graduation by the American Psychological Association in Clinical Psychology, Counseling Psychology, School Psychology, or Combined Professional-Scientific Psychology and which included an internship accredited by the American Psychological Association, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule;

(4) is a graduate from a doctoral program which was fully accredited at the time of the applicant's graduation by the American Psychological Association in School Psychology and which included an internship meeting the guidelines of the Council of Directors of School Psychology Programs as documented by the program chair, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule;

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

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

1
2 (g) An applicant applying under Subparagraph (f)(1) of this Rule, and who has not yet been approved for listing in the
3 National Register of Health Service Providers in Psychology, shall be permitted to file an affidavit verifying that
4 ~~he/she~~ he or she qualifies for listing in the Register. Upon receipt of this affidavit, the Board may issue a health services
5 provider certificate, conditioned upon receipt of a letter from the Register within 60 days of receipt of the affidavit
6 which confirms approval for, or listing in, the Register. An extension of the 60 days may be granted upon showing
7 that additional time is needed for application review by the National Register of Health Service Providers. (h) An
8 applicant for health services provider certification who knowingly provides false or fraudulent information to the
9 Board with respect to ~~his/her~~ his or her application, or who fails to provide the notification from the National Register
10 of Health Service Providers in Psychology where required, shall be subject to disciplinary action by the Board,
11 including revocation of licensure and the health services provider certificate.
12

13 *History Note: Temporary Adoption Eff. December 19, 1994 for a period of 180 days or until the permanent rule*
14 *becomes effective, whichever is sooner;*
15 *Authority G.S. 90-270.9; 90-270.15(a)(3); 90-270.15(a)(22); 90-270.20(b); RRC Objection due to*
16 *lack of statutory authority Eff. May 18, 1995; Eff. June 21, 1995;*
17 *Amended Eff. August 1, 2000; August 1, 1996; January 1, ~~1996~~ 1996;*
18 *Readopted April 1, 2020.*
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2705

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule? What does it do beyond G.S. 90-270.20(d)? Is the intent here just to tell someone how to apply to be certified as a HSP-PP?

In (a), please add "provisional" to make the difference in this and a HSP-P clear.

In (a), what are the "health services provider requirements"? Those set forth in Rule .2704?

Also in (a), when would the Board request documentation?

In (a), please provide the substantive requirements of the form as a list.

Please correct your History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2705 is proposed for readoption with substantive changes as follows:

21 NCAC 54 .2705 HSP-PP REQUIREMENTS

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

The application form shall include the following information: applicant's name; mailing address; email address; telephone number; license number; and health services provider certification level applying for.

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

History Note: Temporary Adoption Eff. December 19, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority G.S. 90-270.9; 90-270.20(d); RRC Objection due to lack of statutory authority Eff. May 18, 1995;

Eff. June 21, 1995; Amended Eff. January 1, ~~1996~~, 1996;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2706

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), add "as set forth in Paragraph (b) of this Rule" after "qualified by education."

In (a), when would it be requested by the Board? Do they not have to provide this information with their application? I note that (b) uses words like "establish" which I read as requiring the application to provide proof. Is that the intent?

Please provide the substantive requirements of the application in list form.

In (a), do you mean something like the following:

(a) To be certified as a health services provider psychological associate (HSP-PA), a North Carolina licensed psychological associate shall be qualified by ~~education. An applicant shall~~ education, as set forth in Paragraph (b) of this Rule, and submit a completed, notarized application ~~form. form and [and, if requested by the Board,] provide documentation of meeting health services provider requirements.~~ The application form shall include the following information:

- (1) applicant's name;
- (2) mailing address;
- (3) email address;
- (4) telephone number;
- (5) license number; and
- (6) health services provider certification level applying for.

What is the overall intent of (b)? Are you trying to say what constitutes "qualified by education" for purposes of G.S. 90-270.20(c)? If so, please make that more clear.

In (b), delete "as defined in Rule .2701(a) of this Section"

In (b), what is meant by "shall demonstrate"? Do they need to submit some sort of proof?

In (b)(1), how is a program to be an "organized training program which has established a clear intent..." Here, do you mean something like 'the applicant's master's, specialist, or

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

doctoral program in psychology shall train individuals to provide health services in psychology”? If that’s what you mean, say that.

Please consider how you can simplify (b). Several of the Subparagraphs appear to repeat each other. They just set forth the requirement in a different way, which leads to a clarity concern. Given the requirement that a psychological associate hold at least a master’s in psychology, are all of these necessary?

In (b)(1), delete “as defined in G.S. 90-270.2(4) and Rule .2701(a) of this Section

In (b)(2), change “shall have been” to “shall be”

In (b)(2), how is the applicant to “further establish”?

In (b)(2), delete “relevant”

In (b)(3), what is “pursuant to final board approval”? What is the intent (b)(3)? Do you mean “the applicant shall be deemed to have met the requirements of Subparagraphs (b)(1) and (2) if...”?

Please see notes for .2704(c) and incorporate them into (b)(7) of this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .2706 is proposed for readoption with substantial changes as follows:

21 NCAC 54 .2706 HSP-PA REQUIREMENTS

(a) To be certified as a health services provider psychological associate (HSP-PA), a North Carolina licensed psychological associate shall be qualified by education. An applicant shall submit a completed, notarized application form ~~and~~ and, if requested by the Board, provide documentation of meeting health services provider requirements. The application form shall include the following information: applicant's name; mailing address; email address; telephone number; license number; and health services provider certification level applying for.

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

- (1) The master's, specialist, or doctoral program in psychology shall be an organized training program which has established a clear intent, through the structure of the program and in institutional publications, to train individuals to provide health services in psychology as defined in G.S. 90-270.2(4) and Rule .2701(a) of this Section.
- (2) Within the applicant's training program in health services in psychology, course work shall have been completed in the areas of assessment, diagnosis, intervention, and psychopathology. The applicant shall further establish that he or she has completed relevant course work that has provided training in diagnosis, evaluation, treatment, remediation, or prevention of one or more of the following areas:
 - (A) mental, emotional, and behavioral disorder, disability, and illness;
 - (B) substance abuse;
 - (C) habit and conduct disorder; or
 - (D) psychological aspects of physical illness, accident, injury, and disability.
- (3) Pursuant to final Board approval, an applicant shall be considered to have been trained in the provision of health services in psychology if the applicant establishes that requirements set forth in Subparagraphs (b)(1) and (b)(2) of this Rule have been met through a master's, specialist, or doctoral degree program in psychology in any one of the following areas of specialization in psychology: applied behavior analysis in psychology, applied developmental psychology, clinical psychology, counseling psychology, rehabilitation psychology, school psychology, health psychology, or substance abuse treatment psychology.
- (4) If the applicant is unable to establish that he or she has a master's, specialist, or doctoral degree from a program in psychology that provides training in the provision of health services, the applicant shall not be eligible for HSP-PA certification. This shall apply even if the applicant establishes that course work in the areas listed in Subparagraph (b)(2) of this Rule was completed or if the applicant has completed an applied training experience (i.e., practicum, internship, residency, postdoctoral

fellowship, etc.) in the provision of health services without having completed a planned and directed training program in health services in psychology.

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

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

(7) Applicants for HSP-PA who received their degrees during or after 1997 shall document that their degree program included an internship, externship, practicum, or supervised field experience at a site providing health services. This supervised training experience shall meet all of the following criteria:

(A) It shall be a planned and directed program of training in health services, in contrast to on-the-job training, and shall provide the trainee with a planned and directed sequence of training integrated with the educational program in which the student is enrolled. This supervised training experience shall be planned by the educational program faculty and training site staff rather than by the student.

(B) The supervised training experience shall have a written description detailing the program of training, or a written agreement, developed prior to the time of the training, between the student's educational program and the training site. Such an agreement shall be approved by the student's educational program prior to the beginning of the supervised training experience.

(C) The supervised training experience site shall have a designated and appropriately licensed or certified psychologist or psychological associate responsible for the integrity and quality of the supervised training experience.

(D) A student enrolled in a supervised training experience shall be designated as any of the following: an "intern," "extern," or "practicum student," or shall hold a title which indicates training status for the practice of psychology and provision of health services.

(E) The supervised training experience shall be a minimum of 12 weeks consisting of at least 500 hours of supervised training. At least 400 hours of the training shall be in the provision of health services as defined by G.S. 90-270.2(4) and Rule .2701(a) of this Section.

(F) The supervised training experience shall be completed within a period of 12 consecutive months at not more than two training sites.

(G) Except as provided in Part (b)(7)(H) of this Rule, regularly scheduled individual face-to-face supervision with the specific intent of overseeing the provision of health services shall be provided by a North Carolina licensed or certified psychologist or psychological associate or by a psychologist who is exempt from licensure, pursuant to G.S. 90-270.4(b), at a rate of not less than one hour per week during at least 12 separate weeks of the supervised training experience. The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards and shall be accessible to the student.

(H) If completing a supervised training experience outside of North Carolina, the student shall be provided regularly scheduled individual face-to-face supervision with the specific intent of overseeing the provision of health services by a licensed or certified psychologist or psychological associate or by an individual holding a master's, specialist, or doctoral degree in psychology, at a rate of not less than one hour per week during at least 12 separate weeks of the supervised training experience. The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards and shall be accessible to the student. Proof of the supervisor's license or degree program, as applicable, may be required by the Board to establish the supervisor's training in psychology.

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

*History Note: Authority G.S. 90-270.9; 90-270.13(c); 90-270.20(c);
Temporary Adoption Eff. December 19, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; RRC Objection due to lack of statutory authority Eff. May 18, 1995; Eff. June 21, 1995;
Amended Eff. March 1, 2008; August 1, 2000; August 1, ~~1996~~ 1996;
Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2801

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Consider revising (a) as follows:

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

In (a), what is meant by "This responsibility for the quality of services delivered by supervisees and for the welfare of the client or patient shall be no different than if the psychologist had provided the services in person." Do you need this language?

In (b), change "which" to "that" in "which an individual..."

In (b), please provide some examples of tasks that count versus those that don't. I note that it looks like these are in .2805? I don't think you need them in both places if that is in fact the case.

In (c), by "may" do you mean "shall"? If you mean "may", how will it be determined whether failure to train or supervise will result in disciplinary action?

Do (c) and (d) go together? If so, do you need both (note my concerns with (d).)

In (d), what is your authority to say that you all can "restrict or revoke a psychologist's privilege to utilize unlicensed individuals to provide ancillary services"? I don't see that G.S. 90-270.21 allows for this revocation (and I don't see that G.S. 90-270.15 contemplates this either.) I agree that under G.S. 90-270.15 the Board could revoke a

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

license, but then they couldn't practice and wouldn't be using ancillary staff anyway. I'm struggling with Paragraph (d).

What is the overall intent of Subparagraphs (d)(1) through (5)? For example, is (d)(4) to say that if a psychologist's license has been revoked or other action has been taken in accordance with 90-270.15, then he or she may not be able to have ancillary staff? Are the underlying requirements of each Subparagraph clearly set forth elsewhere in Rule or statute?

If you have authority for (d), change "shall have the authority" to "may" Also, what factors will be used in determining whether you all will restrict or revoke? Alternatively,

Consider changing "... services for the following reasons" to "... services if evidence of the following exists:" Then delete "evidence that" in each subparagraph.

In (d)(5), is this not addressed by the requirement in (a)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

21 NCAC 54 .2801 is proposed for readoption as follows:

21 NCAC 54 .2801 SCOPE

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

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

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

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

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

History Note: Authority G.S. 90-270.9; 90-270.21;

Eff. April 1, ~~2003~~, 2003;

Readopted April 1, 2020.

21 NCAC 54 .2802 is proposed for readoption as follows:

21 NCAC 54 .2802 TITLES

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

History Note: Authority G.S. 90-270.9; 90-270.21;

Eff. April 1, ~~2003~~; 2003;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2803

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please consider breaking (a) out into separate Paragraphs for purposes of clarity. There is a lot of information. Some of it goes together, some does not appear to.

In (a), what is the "date upon which the relationship is initiated"? Is this the date that the staff member began working in the psychologist's office? Please clarify.

In (a), what is the difference between the first and the second sentence? They seem redundant of each other.

In (a), line 7, what is meant by "except when prevented from doing so by circumstances beyond the psychologist's control"? Please provide some examples of what may qualify. (also, this language is not in (c).)

In (b), delete "however,"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2803 is proposed for readoption as follows:

21 NCAC 54 .2803 EMPLOYMENT AND SUPERVISION OF UNLICENSED INDIVIDUALS

(a) Any psychologist who employs or supervises unlicensed individuals who provide ancillary services as specified in Rule .2801 of this Section shall maintain documentation of the relationship between the psychologist and the unlicensed individual beginning with the date upon which the relationship is initiated. Written documentation that includes the responsibilities of both parties shall be maintained by the licensee. Except when prevented from doing so by circumstances beyond the psychologist's control, the psychologist shall maintain documentation of the relationship with the unlicensed individual for a minimum of seven years after the termination of the relationship and shall present the documentation to the Board upon written request. If the unlicensed individual is supervised by more than one psychologist, there shall be a psychologist appointed to have primary responsibility for the coordination of and provision of ancillary services by the unlicensed individual. The appointed psychologist shall have responsibility for clinical record keeping with regard to the ancillary services provided by the unlicensed individual. Any psychologist supervising or employing persons who provide ancillary services shall not submit records regarding ancillary services personnel to the Board unless ordered to do so pursuant to G.S. 90-270.9.

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

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

History Note: Authority G.S. 90-270.9; 90-270.21;

Eff. April 1, ~~2003~~. 2003;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2804

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), line 6, add a comma after "confidentiality", change the comma to a period after "professional ethics" and change "and" to "the licensed psychologist" (make these two separate sentences.)

Just to confirm, electronic record keeping is not allowed by this Rule ("in writing" on line 7")

On line 7, change "shall ensure that documentation is maintained in writing" to "shall maintain documentation in writing"

In (a), line 11, what are the "applicable areas of the Code of Conduct"?

In (a), are lines 7-10 and the last two sentences of (a) necessary given (b)? They appear to be redundant. I would suggest breaking out the documentation requirement into its own paragraph and essentially combine these requirements for clarity purpose. Right now, it appears as though the documentation requirements are scattered throughout this Rule.

If they are necessary, are lines 12-15 ("Documentation of qualifications and training that occurred... same ancillary services position with the same agency or practice") necessary? I don't think this language is necessary considering that you couldn't begin enforcing this Rule until it was effective anyway. Please delete this language.

If so, in (a), line 15, delete "after the effective date of this Rule"

What is the intent of (b)? Other than the requirement that the psychologist maintain documentation, how is it different than (a)? Please review and revise. The way that I read (b) it says "any psychologist using an unlicensed person to provide ancillary services shall ensure that he or she is trained to perform the activities delegated to him or her. The psychologist shall maintain documentation of the training for seven years"? I read (a) to do the same thing (except for the records.)

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

In (c), I just want to make sure that I understand, a psychologist could not hire a retired psychologist who has not renewed his or her license to perform ancillary services?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2804 is proposed for readoption as follows:

21 NCAC 54 .2804 QUALIFICATIONS AND TRAINING

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

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

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

History Note: Authority G.S. 90-270.9; 90-270.21;

Eff. April 1, ~~2003~~; 2003;

Readopted April 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2805

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given that .2803 requires documentation for ancillary services as provided in .2801 and .2801 specifically exempts clerical responsibilities as an ancillary service, is (a) necessary? It seems redundant.

If it is necessary, please consider revising (a) as follows:

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

In (a), what is meant by “shall otherwise be exempt from the requirements of Rule .2803(a)? Is this referring to the documentation, delegation, or both? I assume it’s both, but .2803(c) also references the documentation. Perhaps that was intentional, but I just wanted to be sure.

In (a), change “Rule .2803, Paragraph (a)” to “Rule .2803(a)”

Given that .2803 requires documentation for all ancillary services as defined in .2801 (which I think needs some additional information), is (b) necessary? Don’t these tasks in (b) fall under the definition in .2801? If so, wouldn’t .2803 already cover this? If you do need this, please use the suggestion for (a) of this Rule for (b) of this Rule as well.

In (b), delete or define “detailed” in “detailed treatment plan”

In (c), delete “Pursuant to G.S. 90-270.15(a)(7)”

In (c), by “this requirement” do you mean “this entry”?

Amber May
Commission Counsel

Date submitted to agency: Tuesday, January 7, 2019

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2805 is proposed for readoption as follows:

21 NCAC 54 .2805 SERVICES APPROPRIATE FOR ANCILLARY SERVICES PERSONNEL

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

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

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

*History Note: Authority G.S. 90-270.9; 90-270.21;
Eff. April 1, 2003; 2003;
Readopted April 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Psychology Board

RULE CITATION: 21 NCAC 54 .2806

DEADLINE FOR RECEIPT: Friday, January 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

What is the overall intent of this Rule? Is it necessary? Your statutes say that an unlicensed person cannot perform psychology and "psychology" is defined. If you need this, please review and revise lines 4-6. How is this determined? Delete "characteristically."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, January 7, 2019

21 NCAC 54 .2806 is proposed for readoption as follows:

21 NCAC 54 .2806 SERVICES NOT APPROPRIATE FOR UNLICENSED INDIVIDUALS

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

History Note: Authority G.S. 90-270.9; 90-270.21;

Eff. April 1, ~~2003~~; 2003;

Readopted April 1, 2020.