AN ACT

Relating to the practice of psychology, providing for licensing of psychologists, making certain acts illegal and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Declaration of Policy.-The practice of psychology in the Commonwealth of Pennsylvania is hereby declared to affect the public safety and welfare, and to be subject to regulation and control in the public interest to protect the public from unprofessional, improper, unauthorized and unqualified practice of psychology, and from unprofessional conduct by persons licensed to practice psychology. This act should be liberally construed to carry out these objects and purposes.

(1 amended Apr. 25, 1986, P.L.89, No.33)

Section 1.1. Short Title.-This act shall be known and may be cited as the "Professional Psychologists Practice Act."

(1.1 added Apr. 25, 1986, P.L.89, No.33)

Section 2. Definitions.-As used in this act:

"Board" means the State Board of Psychology in the Department of State.

"Commissioner" means the Commissioner of Professional and Occupational Affairs in the Department of State.

"Person" means an individual, corporation, partnership, association, unincorporated organization or a government or any political subdivision, agency or instrumentality thereof.

"Practice of psychology" means offering to render or rendering to individuals, corporations, institutions, governmental agencies, or the public for remuneration any service involving the following:

(i) The application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personality evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychological methods with persons or groups with adjustment problems in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, and emotions, and offering services as a psychological consultant.

(ii) (a) "Measuring and testing," consisting of the psychological assessment and evaluation of abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics and/or other psychological attributes of individuals, or groups of individuals by means of standardized measurements or other methods, techniques or procedures recognized by the science and profession of psychology, (b) "psychological methods," consisting of the application of principles of learning and motivation in an interpersonal situation with the objectives of modification of perception and adjustment, and requiring highly developed skills in the disciplines, techniques, and methods of altering through learning processes, attitudes, feelings, values, self-concept, personal goals and adaptive patterns, (c) "psychological consulting," consisting of interpreting or reporting upon scientific fact or theory in psychology, rendering expert psychological opinion, psychological evaluation, or engaging in applied psychological research.

(2 amended Apr. 25, 1986, P.L.89, No.33)

Section 3. Necessity for License.-It shall be unlawful for any person to engage in the practice of psychology or to offer or attempt to do so or to hold himself out to the public by any title or description of services incorporating the words "psychological," "psychologist" or "psychology" unless he shall first have obtained a license pursuant to this act, except as hereinafter provided:

(1) Simple acts of persuasion or suggestion by one person to another, or to a group.

(2) Persons licensed to practice any of the healing arts in this Commonwealth shall be exempt from the provisions of this act. Nothing in this act shall be construed to limit the practice of persons licensed to practice any of the healing arts in any way. Nothing herein shall be construed as authorizing any person licensed as a psychologist to engage in any manner in the practice of any of the healing arts as defined in the laws of this Commonwealth on the effective date of this act. The psychologist who engages in practice shall assist his client in obtaining professional help for all relevant aspects of his problem that fall outside the boundaries of the psychologist's own competence. Provision must be made for the diagnosis and treatment of relevant health care problems by an appropriate qualified practitioner of the healing arts.

(3) Nothing in this act shall be construed to prevent qualified members of other recognized professions, including, but not limited to, clergy, drug and alcohol abuse counselors, mental health counselors, social workers, marriage counselors, family counselors, crisis intervention counselors, pastoral counselors, rehabilitation counselors and psychoanalysts, from doing work of a psychological nature consistent with the training and the code of ethics of their respective professions or to prevent volunteers from providing services in crisis or emergency situations.

(4) Nothing in this act shall be construed to limit the practice of psychology or use of an official title on the part of a person employed as a psychologist by a Federal, State, county, or municipal agency, or other political subdivisions, or those persons certified and employed as school psychologists in the public and private schools of the Commonwealth, in so far as such practice is a part of the normal function of his position or is performed on behalf of or according to the usual expectations of his employer.

(5) Nothing in this act is to be construed as restricting the use of the term "social psychologist" by any person who meets the qualifications specified in section 6.

(6) Nothing in this act shall be construed to limit the practice of psychology or use of an official title on the part of a member of the faculty or staff of a duly accredited university, college, hospital or State-approved nonpublic school in so far as such practice is a part of the normal function of his position or is performed on behalf of or according to the usual expectations of his employer. Nothing in this act shall be construed to limit the practice of psychology or use of an official title on the part of a student, intern or resident in psychology, pursuing a course of study in a duly accredited university, college or hospital or similar training facility for the qualified training of psychologists, provided that such practice and use of title constitute a part of his supervised course of study, and he is designated by such titles as "psychology intern," "psychology trainee," or other title clearly indicating such training status. Nothing in this act shall be construed to limit the activities of a faculty or staff member of a duly accredited university, college, or hospital, or research unit of a duly recognized business or industrial firm or corporation, in the performance of

experimental and scientific research activities for the primary purpose of contributing to or enlarging upon scientific principles of psychology. Nothing in this act shall be construed to limit the use of the term "psychology," "psychologist," or "psychological," in connection with the aforementioned experimental or scientific research activities or for the purpose of publication of the research findings in professional and scientific journals, or for the purpose of providing scientific information to any user of such information.

(7) Nothing in this act shall be construed to prohibit the practice of psychology by a person who, in the opinion of the board meets the minimum qualifications for licensure under this act, provided said person is on temporary assignment in this Commonwealth, as temporary is defined by board regulation.

(8) Nothing in this act shall be construed to prohibit employes of business and industrial organizations from applying the principles of psychology described in section 2 to the employment placement, evaluation, selection, promotion or job adjustment of their own officers or employes or those of any associated organization. No business or industrial firm or corporation may sell or offer to the public or to individuals or to other firms or corporations for remuneration any psychological acts or services as are part of the practice of psychology unless such services are performed by individuals duly and appropriately licensed under this act.

(9) Nothing in this act shall be construed to limit the activities of a clerical or administrative employe in the performance of duties incidental to and necessary to the work of a psychologist, provided that the clerical or administrative employe acts at all times under the supervision of a licensed psychologist, and provided further that the employe does not assume to the independent practice of psychology.

(10) Nothing in this act shall be construed to prohibit a school psychologist certified by the Department of Education from performing in private practice those acts which he is permitted to perform in the public and private schools of the Commonwealth.

(11) Nothing in this act shall be construed to prohibit a psychologist licensed under this act from employing and supervising postdoctoral individuals completing the experience requirement for licensure who shall be designated as "psychology interns," "psychology residents" or "psychological trainees." Such individuals shall perform their duties under the full direction, control and supervision of a licensed psychologist, pursuant to regulations of the board.

(12) Nothing in this act shall be construed to prohibit a psychologist licensed under this act from employing professional employes with graduate training in psychology. Such individuals shall perform their duties under the full direction, control and supervision of a licensed psychologist, pursuant to regulations of the board.

(3 amended Apr. 25, 1986, P.L.89, No.33)

Section 3.1. State Board of Psychology.-(a) The State Board of Psychology shall consist of nine members who are citizens of the United States and who have been residents of this Commonwealth for a three-year period. Eight members are to be appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate, and the Commissioner of Professional and Occupational Affairs shall serve as the ninth member of the board. Two members shall be appointed as representatives of the public at large. Six members shall be appointed who shall hold current valid licenses to practice psychology in this Commonwealth and shall be broadly representative

of the practice areas of psychology.

(b) The terms of each professional and public member of the board shall be four years or until a successor has been appointed and qualified but not longer than six months beyond the four-year period. In the event that any of said members shall die or resign or otherwise become disqualified during his or her term, a successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term. No member shall be eligible for appointment to serve more than two consecutive terms.

(c) A majority of the members of the board serving in accordance with law shall constitute a quorum for purposes of conducting the business of the board. Except for temporary and automatic suspensions under section 8(d) and (e), a member may not be counted as part of a quorum or vote on any issue unless he or she is physically in attendance at the meeting.

(d) The board shall select annually a chairman and a vice chairman from among its members and shall elect a secretary who, with the approval of the Commissioner of Professional and Occupational Affairs, need not be a member of the board.

(e) Each member of the board, except the Commissioner of Professional and Occupational Affairs, shall receive sixty dollars ($60) per diem when actually attending to the work of the board. Members shall also receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(f) The board is subject to evaluation, review and termination within the time and in the manner provided in the act of December 22, 1981 (P.L.508, No.142), known as the "Sunset Act."

(g) A member of the board who fails to attend three consecutive meetings shall forfeit his or her seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

(h) A public member who fails to attend two consecutive statutorily mandated training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

(i) The board shall meet at least six times every year and at such additional times as may be necessary to conduct the business of the board.

(3.1 added Apr. 25, 1986, P.L.89, No.33)

Compiler's Note: The State Board of Psychology is subject to periodic review under the act of Dec. 22, 1981, P.L.508, No.142, known as the Sunset Act, and will terminate on the date specified in that act unless reestablished or continued by the General Assembly. For the current status of the board, see the appendix to this act.

Section 3.2. Powers of the Board.-The board shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses; and to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of license.

(2) To adopt and, from time to time, revise such rules and regulations and policies not inconsistent with the law as may be necessary to carry into effect the provisions of this act. Such rules and regulations shall include,

but not be limited to, standards for professional practice and a code of ethics for psychologists in the State.

(3) To examine for, deny, approve, issue, revoke, suspend, restrict, limit and renew the licenses of psychologist applicants pursuant to this act and to conduct hearings in connection therewith.

(4) To conduct hearings upon complaints concerning violations of the provisions of and the rules and regulations adopted pursuant to this act and cause the prosecution, impose civil penalties and enjoin any such violations.

(5) To employ, with the approval of the Commissioner of Professional and Occupational Affairs, a professional credentials evaluator to review applications.

(6) To waive examination and grant a license in cases deemed exceptional by the board and in accordance with board regulations.

(3.2 added Apr. 25, 1986, P.L.89, No.33)

Section 3.3. Fees, Fines and Civil Penalties.-(a) All fees required pursuant to this act shall be fixed by the board by regulation and shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

(b) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board pursuant to subsection (a) are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the board and subject to the "Regulatory Review Act," shall increase the fees by regulation in an amount that adequate revenues are raised to meet the required enforcement effort.

(c) All fees, fines and civil penalties imposed in accordance with this act shall be paid into the Professional Licensure Augmentation Account.

(d) The board may charge a fee, as set by the board by regulation, for all examinations, registrations, renewals, certifications, licensures or applications permitted by this act or the regulations thereunder.

(3.3 added Apr. 25, 1986, P.L.89, No.33)

Section 3.4. Reports of the Board.-(a) The board shall submit annually to the Department of State an estimate of the financial requirements of the board for its administrative, investigative, legal and miscellaneous expenses.

(b) The board shall submit annually to the House and Senate Appropriations Committees, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

(c) The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate containing a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

(3.4 added Apr. 25, 1986, P.L.89, No.33)

Section 4. (4 repealed Nov. 26, 1978, P.L.1223, No.292)

Section 5. (5 repealed Nov. 26, 1978, P.L.1223, No.292)

Section 6. Qualifications for License.-(a) An applicant shall be qualified for a license to practice psychology after submission of proof satisfactory to the board that the applicant:

(1) is of acceptable moral character; and

(2) is either (i) a graduate of an accredited college or university

holding a degree of Doctor of Philosophy in psychology, Doctor of Psychology, or Doctor of Education in psychology and has not less than two years of supervised experience, at least one of which was obtained subsequent to the granting of the doctoral degree, provided that such experience is acceptable to the board pursuant to criteria established by board regulations, or (ii) a graduate of an accredited college or university holding a doctoral degree in a field related to psychology and has not less than two years of supervised experience, at least one of which was obtained subsequent to the granting of the doctoral degree, provided such experience and training are acceptable to the board as being equivalent to the above pursuant to criteria established by board regulations; and

(3) has passed an examination duly adopted by the board; and

(4) has paid all appropriate fees in the amount determined by the board by regulation; and

(5) has not been convicted of a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of an offense under the laws of another jurisdiction which if committed in this Commonwealth would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act," unless:

(i) at least ten years have elapsed from the date of conviction;

(ii) the applicant satisfactorily demonstrates to the board that he has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of his patients or the public or a substantial risk of further criminal violations; and

(iii) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

As used in this clause the term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere.

(b) Each applicant shall submit an affidavit or affirmation of the applicant as to the verity of the application. Any applicant who knowingly or willfully makes a false statement of fact in his application shall be subject to prosecution for perjury.

(c) In case of failure at any examination, the applicant shall have, after the expiration of six months and within two years, the privilege of a second examination by the board with the payment of an additional fee. The board may adopt regulations governing the eligibility of applicants who have failed to pass two examinations in order to be admitted to subsequent examinations.

(6 amended Apr. 25, 1986, P.L.89, No.33)

Section 7. (7 repealed Apr. 25, 1986, P.L.89, No.33)

Section 8. Refusal, Suspension or Revocation of License.-(a) The board may refuse to issue a license or may suspend, revoke, limit or restrict a license or reprimand a licensee for any of the following reasons:

(1) Failing to demonstrate the qualifications or standards for a license contained in this act or regulations of the board.

(2) Making misleading, deceptive, untrue or fraudulent representations in the practice of psychology.

(3) Practicing fraud or deceit in obtaining a license to practice psychology.

(4) Displaying gross incompetence, negligence or misconduct in carrying on the practice of psychology.

(5) Submitting a false or deceptive biennial registration to the board.

(6) Being convicted of a felony in any state or Federal court or being

convicted of the equivalent of a felony in any foreign country, or being convicted of a misdemeanor in the practice of psychology. As used in this clause the term "convicted" includes a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere or receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges.

(7) Having a license to practice psychology suspended, revoked or refused or receiving other disciplinary action by the proper psychology licensing authority of another state, territory or country.

(8) Being unable to practice psychology with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material, or as a result of any mental or physical condition. In enforcing this clause, the board shall, upon probable cause, have authority to compel a psychologist to submit to a mental or physical examination by a physician or a psychologist approved by the board. Failure of a psychologist to submit to such examination when directed by the board, unless such failure is due to circumstances beyond his or her control, shall constitute an admission of the allegations against him or her, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A psychologist affected under this clause shall at reasonable intervals, as determined by the board, be afforded an opportunity to demonstrate that he or she can resume a competent practice of psychology with reasonable skill and safety.

(9) Violating a lawful regulation promulgated by the board, including, but not limited to, ethical regulations, or violating a lawful order of the board previously entered in a disciplinary proceeding.

(10) Knowingly aiding, assisting, procuring or advising any unlicensed person to practice psychology, contrary to this act or regulations of the board.

(11) Committing immoral or unprofessional conduct. Unprofessional conduct shall include any departure from, or failure to conform to, the standards of acceptable and prevailing psychological practice. Actual injury to a client need not be established.

(12) Soliciting any engagement to perform professional services by any direct, in-person or uninvited soliciting through the use of coercion, duress, compulsion, intimidation, threats, overreaching or harassing conduct.

(13) Failing to perform any statutory obligation placed upon a licensed psychologist.

(14) Intentionally submitting to any third-party payor a claim for a service or treatment which was not actually provided to a client.

(15) Failing to maintain professional records in accordance with regulations prescribed by the board.

(b) When the board finds that the license or application for license of any person may be refused, revoked, restricted or suspended under the terms of subsection (a), the board may:

(1) Deny the application for a license.

(2) Administer a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict a license as determined by the board.

(4) Require a licensee to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.

(5) Suspend enforcement of its findings thereof and place a licensee on probation with the right to vacate the probationary order for noncompliance.

(6) Restore a suspended license to practice psychology and impose any

disciplinary or corrective measure which it might originally have imposed.

(c) All actions of the board shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(d) The board shall temporarily suspend a license under circumstances as determined by the board to be an immediate and clear danger to the public health and safety. The board shall issue an order to that effect without a hearing, but upon due notice to the licensee concerned at his or her last known address, which shall include a written statement of all allegations against the licensee. The provisions of subsection (c) shall not apply to temporary suspension. The board shall thereupon commence formal action to suspend, revoke or restrict the license of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within thirty days following the issuance of an order temporarily suspending a license, the board shall conduct, or cause to be conducted, a preliminary hearing to determine that there is a prima facie case supporting the suspension. The licensee whose license has been temporarily suspended may be present at the preliminary hearing and may be represented by counsel, cross examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license shall be immediately restored. The temporary suspension shall remain in effect until vacated by the board but in no event longer than one hundred eighty days.

(e) A license issued under this act shall automatically be suspended upon the legal commitment of a licensee to an institution because of mental incompetence from any cause upon filing with the board of a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or conviction of an offense under the laws of another jurisdiction, which, if committed in Pennsylvania, would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act." As used in this section the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this section shall not be stayed pending an appeal of conviction. Restoration of such license shall be made as provided in this act for revocation or suspension of such license.

(8 amended Apr. 25, 1986, P.L.89, No.33)

Section 8.1. Reporting of Multiple Licensure.-Any licensed psychologist of this Commonwealth who is also licensed to practice psychology in any other state, territory or country shall report this information to the board on the biennial registration application. Any disciplinary action taken in any other state, territory or country shall be reported to the board on the biennial registration application or within ninety days of disposition, whichever is sooner. Multiple licensure shall be noted by the board on the psychologist's record, and such state, territory or country shall be notified by the board of any disciplinary actions taken against said psychologist in this Commonwealth.

(8.1 added Apr. 25, 1986, P.L.89, No.33)

Section 9. (9 repealed Apr. 25, 1986, P.L.89, No.33)

Section 10. (10 repealed Apr. 25, 1986, P.L.89, No.33)

Section 11. Penalties and Injunctions Against Unlawful Practice.-(a) Any person who engages or offers to engage in the practice of psychology without holding a currently valid license as required by this act or any person or the responsible officer or employe of any corporation or partnership, institution

or association who violates any of the provisions of this act or any rule or regulation of the board promulgated pursuant thereto, for a first offense shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or undergo imprisonment of not more than six months; and on each additional offense shall be subject to a fine of not less than two thousand dollars ($2,000) or imprisonment of not less than six months nor more than one year, or both.

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members, whichever is greater, may levy a civil penalty of up to one thousand dollars ($1,000) on any current licensee who violates any provision of this act or on any person who practices psychology, as defined in this act, without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided by Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure). All fines and civil penalties imposed in accordance with this act shall be paid into the Professional Augmentation Account.

(c) It shall be unlawful for any person to practice or attempt to offer to practice psychology, as defined in this act, without having at the time of so doing a valid, unexpired, unrevoked and unsuspended license issued under this act. The unlawful practice of psychology, as defined in this act, may be enjoined by the courts on petition of the board or the Commissioner of Professional and Occupational Affairs. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of psychology, the court shall enjoin him or her from so practicing unless and until he or she has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit. The remedy by injunction hereby given is in addition to any other civil or criminal prosecution and punishment.

(11 amended Apr. 25, 1986, P.L.89, No.33)

Section 11.1. Subpoenas.-(a) The board shall have the authority to issue subpoenas, upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before the board, for the purpose of investigating alleged violations of the disciplinary provisions administered by the board. The board shall have the power to subpoena witnesses, to administer oaths, to examine witnesses and to take such testimony or compel the production of such books, records, papers and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation or hearing, held or had by it. Patient records may not be subpoenaed without consent of the patient or without order of a court of competent jurisdiction on a showing that the records are reasonably necessary for the conduct of the investigation. The court may impose such limitations on the scope of the subpoena as are necessary to prevent unnecessary intrusion into patient confidential information. The board is authorized to apply to Commonwealth Court to enforce its subpoenas.

(b) An attorney responsible for representing the Commonwealth in disciplinary matters before the board shall notify the board immediately upon receiving notification of an alleged violation of this act. The board shall maintain current records of all reports of alleged violations and periodically review the records for the purpose of determining that each alleged violation has been resolved in a timely manner.

(11.1 added Apr. 25, 1986, P.L.89, No.33)

Section 12. Out-of-State Licensing.-The board may recommend the granting of a license without examination to any person who, at the time of application holds a valid license or certificate issued by a board of psychologist examiners of any state, provided in the opinion of the board the requirements for such certification or licensure are substantially the equivalent of the requirements of this act.

(12 amended Apr. 25, 1986, P.L.89, No.33)

Section 13. (13 repealed Apr. 28, 1978, P.L.202, No.53)

Section 14. Severability.-If any section of this act, or any part thereof, shall be adjudged by any court of competent jurisdiction, to be invalid, such judgment shall not affect, impair or invalidate the remainder of any section or part thereof.

(14 amended Apr. 25, 1986, P.L.89, No.33)

Section 15. Renewal; Fees; Records.-Provision shall be made for renewal of licenses on a biennial basis. The board may require a designated number of hours of approved courses of continuing education as a condition of biennial renewal. Such hours shall be determined by the board by regulation. No credit shall be given for any course in office management or practice building. The fee for renewal of license shall be an amount as specified by the board by regulation. A record of all psychologists licensed to practice in Pennsylvania shall be kept in the office of the commissioner. A duplicate record shall be kept by the board and made available to the public in such manner as it deems appropriate.

(15 amended Apr. 25, 1986, P.L.89, No.33)

Section 16. Reinstatement of License.-Unless ordered to do so by Commonwealth Court or an appeal therefrom, the board shall not reinstate the license of a person to practice psychology pursuant to this act, which has been revoked. Any person whose license has been revoked may apply for reinstatement, after a period of at least five years, but must meet all of the licensing qualifications of this act for the license applied for, to include the examination requirement, if he or she desires to practice at any time after such revocation.

(16 added Apr. 25, 1986, P.L.89, No.33)

Section 17. Surrender of Suspended or Revoked License.-The board shall require a person whose license or registration has been suspended or revoked to return the license or registration in such manner as the board directs. Failure to do so shall be a misdemeanor of the third degree.

(17 added Apr. 25, 1986, P.L.89, No.33)

Section 18. Impaired Professional.-(a) The board, with the approval of the Commissioner of Professional and Occupational Affairs, shall appoint and fix the compensation of a professional consultant who is a licensee of the board, or such other professional as the board may determine, with education and experience in the identification, treatment and rehabilitation of persons with physical or mental impairments. Such consultant shall be accountable to the board and shall act as a liaison between the board and treatment programs, such as alcohol and drug treatment programs licensed by the Department of Health, psychological counseling and impaired professional support groups, which are approved by the board and which provide services to licensees under this act.

(b) The board may defer and ultimately dismiss any of the types of corrective action set forth in this act for an impaired professional so long as the professional is progressing satisfactorily in an approved treatment program, provided that the provisions of this subsection shall not apply to a

professional convicted of a felonious act prohibited by the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or convicted of, pleaded guilty to or entered a plea of nolo contendere to a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country. An approved program provider shall, upon request, disclose to the consultant such information in its possession regarding any impaired professional in treatment which the program provider is not prohibited from disclosing by an act of this Commonwealth, another state or the United States. Such requirement of disclosure by an approved program provider shall apply in the case of impaired professionals who enter an agreement in accordance with this section, impaired professionals who are the subject of a board investigation or disciplinary proceeding and impaired professionals who voluntarily enter a treatment program other than under the provisions of this section but who fail to complete the program successfully or to adhere to an after-care plan developed by the program provider.

(c) An impaired professional who enrolls in an approved treatment program shall enter into an agreement with the board under which the professional's license shall be suspended or revoked, but enforcement of the suspension or revocation may be stayed for the length of time the professional remains in the program and makes satisfactory progress, complies with the terms of the agreement and adheres to any limitations on his practice imposed by the board to protect the public. Failure to enter into such an agreement shall disqualify the professional from the impaired professional, program and shall activate an immediate investigation and disciplinary proceeding by the board.

(d) If, in the opinion of the consultant after consultation with the provider, an impaired professional who is enrolled in an approved treatment program has not progressed satisfactorily, the consultant shall disclose to the board all information in his possession relevant to the issue of impairment regarding said professional, and the board shall institute proceedings to determine if the stay of the enforcement of the suspension or revocation of the impaired professional's license shall be vacated.

(e) An approved program provider who makes a disclosure pursuant to this section shall not be subject to civil liability for such disclosure or its consequences.

(f) Any hospital or health care facility, peer or colleague who has substantial evidence that a professional has an active addictive disease for which the professional is not receiving treatment, is diverting a controlled substance or is mentally or physically incompetent to carry out the duties of his or her license shall make or cause to be made a report to the board: Provided, That any person or facility who acts in a treatment capacity to an impaired professional in an approved treatment program is exempt from the mandatory reporting requirements of this subsection. Any person or facility who reports pursuant to this section in good faith and without malice shall be immune from any civil or criminal liability arising from such report. Failure to provide such report within a reasonable time from receipt of knowledge of impairment shall subject the person or facility to a fine not to exceed one thousand dollars ($1,000). The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(18 added Apr. 25, 1986, P.L.89, No.33)

APPENDIX

Supplementary Provisions of Amendatory Statutes

1986, APRIL 25, P.L.89, NO.33

Section 15. This act, with respect to the State Board of Psychologist Examiners, shall constitute the legislation required to reestablish an agency pursuant to the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Compiler's Note: Act 33 added or amended sections 1, 1.1, 2, 3, 3.1, 3.2, 3.3, 3.4 and 6, repealed section 7, added or amended sections 8 and 8.1, repealed sections 9 and 10 and added or amended 11, 11.1, 12, 14 ,15, 16, 17 and 18 of Act 52.

Section 17. The presently confirmed members of the State Board of Psychologist Examiners constituted under section 476.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as of the effective date of this act, shall continue to serve as board members until their present terms of office expire, provided that any present board member whose term has expired on or before the effective date of this act shall serve until a successor has been appointed and qualified but no longer than six months after the effective date of this act.

Section 18. Each rule and regulation of the board in effect on the effective date of this act, and not inconsistent with this act, shall remain in effect after such date until repealed or amended by the board, provided that the board shall immediately initiate the repeal or amendment of any rule or regulation which is inconsistent with the provisions of this act. Each fee of the board in effect on the effective date of this act, and not inconsistent with this act, shall remain in effect after such date until repealed or amended in accordance with the provisions of this act.

Section 19. Any person who holds a valid license issued by the State Board of Psychologist Examiners under the act of March 23, 1972 (P.L.136, No.52), referred to as the Psychologists License Act, relating to the practice of psychology, prior to the effective date of this amendatory act shall, on and after the effective date hereof, be deemed to be licensed by the State Board of Psychology as provided for in this amendatory act.

Section 20. To provide a transition period for persons who had completed or were enrolled in a graduate degree program in psychology or another of the behavioral sciences as of September 30, 1986, to apply for licensure under rules in existence immediately prior to the effective date of this act, the board, until December 31, 1995, shall issue initial licenses to persons who:

(1) by December 31, 1994, submitted evidence in a manner prescribed by the board of having, as of September 30, 1986, completed or been then currently enrolled in a graduate degree program in psychology or another of the behavioral sciences; and

(2) have completed three years of supervised experience as a psychologist-in-training, 3,500 hours of which shall have been supervised by a licensed psychologist in accordance with the requirements of the board; and

(3) have fulfilled all administrative requirements of the board as

of December 31, 1994, and possessed all of the other qualifications for licensure in effect at the time of the examination; and

(4) have satisfactorily passed the examination.

(20 amended July 13, 1988, P.L.508, No.88)