

1 HB265
2 209403-1
3 By Representatives Rafferty and Lee
4 RFD: Boards, Agencies and Commissions
5 First Read: 02-FEB-21

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8 SYNOPSIS: Under existing law, there is no addiction
9 recovery program or rehabilitation program designed
10 specifically for licensed psychologists and
11 licensed psychological technicians who may be
12 impaired by reason of illness, excessive use of
13 drugs, narcotics, alcohol, chemicals, or other
14 substances, or as a result of any physical or
15 mental condition.

16 This bill would establish the Alabama
17 Psychology Professionals Wellness Committee, to be
18 administered by the Board of Examiners in
19 Psychology, to identify and intervene in instances
20 of impairment of licensed psychology professionals
21 caused by reason of illness, inebriation, substance
22 dependence, excessive use of drugs, narcotics,
23 alcohol, chemicals, or other substances, or as a
24 result of any physical or mental condition.

25 This bill would authorize the board to
26 contract with a nonprofit organization, health

1 professional, or professional association to assist
2 the committee in carrying out its duties.

3 This bill would also provide for the
4 appointment and duties of the committee members and
5 specify reporting procedures.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to licensed psychology professionals; to
12 add new Section 34-26-4 to the Code of Alabama 1975; to
13 establish the Alabama Psychology Professionals Wellness
14 Committee, to be administered by the Board of Examiners in
15 Psychology, to identify and intervene in instances of
16 impairment of licensed psychology professionals caused by
17 reason of illness, inebriation, substance dependence,
18 excessive use of drugs, narcotics, alcohol, chemicals, or
19 other substances, or as a result of any physical or mental
20 condition; to authorize the board to contract with a nonprofit
21 organization, health professional, or professional association
22 to assist the committee in carrying out its duties; and to
23 provide for the appointment and duties of the committee
24 members and specify reporting procedures.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 34-26-4 is added to the Code of
27 Alabama 1975, to read as follows:

1 §34-26-4.

2 (a) As used in this section, the following words
3 have the following meanings:

4 (1) COMMITTEE. The Alabama Psychology Professionals
5 Wellness Committee created under this section.

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

14 (3) LICENSEE. A professional psychologist or
15 psychological technician licensed under this chapter.

16 (b) The Alabama Board of Examiners in Psychology
17 shall develop a program to promote the early identification,
18 treatment, and rehabilitation of any licensee who may be
19 impaired in accordance with this section.

20 (c) There is established the Alabama Psychology
21 Professionals Wellness Committee, consisting of licensed
22 psychologists or licensed psychological technicians appointed
23 by the board as well as one member who is a representative of
24 the contractor described in subsection (d). The board shall
25 determine the number, qualifications, terms, and manner in
26 which members of the committee shall be appointed, provided

1 the committee shall be comprised of not less than three nor
2 more than 11 members.

3 (d) In order to assist the committee, the board
4 shall contract with a nonprofit organization, health
5 professional, or professional association to undertake those
6 functions and responsibilities specified in the agreement,
7 which may include any of the following:

8 (1) Receiving and evaluating reports of suspected
9 impairment from any source.

10 (2) Intervening in cases of verified impairment.

11 (3) Contracting with providers of treatment
12 programs.

13 (4) Referring impaired licensees to treatment
14 programs.

15 (5) Monitoring the treatment and rehabilitation of
16 impaired licensees.

17 (6) Providing post-treatment monitoring and support
18 of rehabilitated impaired licensees.

19 (7) Performing other related activities prescribed
20 by board rule.

21 (e) The board, by rule, shall develop procedures for
22 the committee to undertake the following:

23 (1) Periodic reporting of statistical information
24 regarding impaired licensee program activity as the board
25 deems appropriate, which may include, but not be limited to,
26 the number of reports made, investigations and other actions
27 taken, and the disposition of each report.

1 (2) Annual reporting to the board concerning the
2 operations and proceedings of the committee for the preceding
3 year.

4 (f) The committee shall report to the board the
5 following:

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

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

14 (g) (1) If the board has reasonable cause to believe
15 that a licensee is impaired, the board may require that an
16 evaluation of the licensee be conducted by the committee for
17 the purpose of determining whether an impairment exists. The
18 committee shall report the findings of its evaluation to the
19 board.

20 (2) The authority of the committee shall not
21 supersede the authority of the board to take disciplinary
22 action against a licensee. Nothing in this section shall limit
23 the authority of the board to discipline an impaired licensee.
24 If a licensee is impaired and currently in need of
25 intervention, treatment, or rehabilitation, and the licensee
26 is currently participating in a program or rehabilitation
27 recommended by the committee, then the board may refrain from

1 taking or continuing disciplinary action against the licensee.
2 If the board, upon reasonable cause to believe a licensee is
3 impaired, has referred the licensee to the committee for
4 evaluation, then the board may refrain from taking or
5 continuing disciplinary action against the licensee.

6 (3) A report of the committee shall be deemed to be
7 a report to the board for the purposes of any mandated
8 reporting of professional psychology impairment otherwise
9 required by law.

10 (h)(1) All information, interviews, reports,
11 statements, memoranda, or other documents furnished to or
12 produced by the committee and any findings, conclusions,
13 recommendations, or reports resulting from any investigation,
14 intervention, treatment, or rehabilitation, or other
15 proceedings of the committee are confidential. All records and
16 proceedings of the committee pertaining to an impaired
17 licensee are confidential and may only be used by the
18 committee and the members of the committee in the exercise of
19 the proper function of the committee, and are not public
20 records nor available for court subpoena or for discovery
21 proceedings. The committee may not disclose any personally
22 identifiable information except as otherwise allowed under
23 this chapter.

24 (2) In the event of a breach of contract between the
25 committee and an impaired licensee, all records pertaining to
26 the conduct determined to cause the breach of contract shall

1 be disclosed to the board, upon its request, for disciplinary
2 purposes only.

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

10 (i) The board may collect funds or expend available
11 funds to adequately provide for the operational expenses of
12 the committee, including, but not limited to, the actual cost
13 of travel, office overhead, personnel expenses, and
14 compensation for the members of the committee and committee
15 staff. The operational expenses of the committee may not
16 include the cost of treatment or rehabilitation programs
17 recommended by the committee to individual licensees. The
18 funds provided by the board under this section shall not be
19 subject to any competitive bidding law.

20 Section 2. This act shall become effective January
21 1, 2022, following its passage and approval by the Governor,
22 or its otherwise becoming law.