

IN THE SENATE

SENATE BILL NO. 1286

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO DEFINE
2 A TERM; AMENDING SECTION 54-2303, IDAHO CODE, TO REVISE PROVISIONS RE-
3 GARDING LICENSE EXEMPTIONS; AMENDING SECTION 54-2305, IDAHO CODE, TO
4 REVISE PROVISIONS REGARDING BOARD POWERS; AMENDING SECTION 54-2309,
5 IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSES AND PERMITS; AND
6 DECLARING AN EMERGENCY.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 54-2302, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 54-2302. DEFINITIONS. Within the meaning of this chapter the follow-
12 ing definitions apply:

13 (1) "Department" means the department of self-governing agencies of
14 the state of Idaho.

15 (2) "Bureau chief" means the chief of the bureau of occupational li-
16 censes of the state of Idaho.

17 (3) "Board" means the Idaho state board of psychologist examiners.

18 (4) "Licensed medical provider" means a physician or physician assis-
19 tant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced
20 practice registered nurse licensed pursuant to chapter 14, title 54, Idaho
21 Code.

22 (5) "Person," "he" and "his" mean either male or female persons unless
23 a contrary intention is made manifest. None of these words shall be taken to
24 mean other than a natural person.

25 (6) "Psychological services" means any services to which the words
26 "psychological," "psychologist" or "psychology" are applied by the person
27 rendering or offering to render them or to the "practice of psychology" as
28 defined in subsection (7) of this section.

29 (7) "Practice of psychology" means the application of established
30 principles of learning, motivation, perception, thinking, and emotional
31 relationships to problems of personnel evaluation, group relations, and
32 behavior adjustment. The application of said principles includes, but is
33 not restricted to, counseling and the use of psychotherapeutic measures
34 with persons or groups to eliminate symptomatic, maladaptive or undesired
35 behavior so as to enhance interpersonal relationships in the areas of work,
36 family, school, and personal relationships; measuring and testing of per-
37 sonality, intelligence, aptitudes, emotions, public opinion, attitudes,
38 and skills; diagnosing and treating mental and emotional disorders or dis-
39 abilities; and doing research on problems relating to human behavior.

40 (8) A person represents himself to be a psychologist when he holds him-
41 self out to the public by any title or description incorporating the words

1 "psychological," "psychologist" or "psychology" or offers to render or ren-
2 ders psychological services for remuneration.

3 (9) "Service extender" means a person who is permitted to provide psy-
4 chological services under the supervision of either a licensed psychologist
5 or a person who has earned a doctoral degree in psychology who is employed by
6 a duly chartered educational institution.

7 (10) "Temporary permit" means a document issued by the board to a psy-
8 chologist licensed in another state authorizing the individual to practice
9 psychology in Idaho for a limited period as set forth in this chapter and
10 rules of the board.

11 SECTION 2. That Section 54-2303, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 54-2303. LICENSE REQUIRED -- EXEMPTIONS. (1) It shall be unlawful for
14 any person to practice or to offer to practice psychology, or to represent
15 himself to be a psychologist, unless he shall first obtain a license pursuant
16 to this chapter, except as hereinafter provided.

17 (2) Nothing in this chapter shall be construed to limit the activi-
18 ties, and use of an official title on the part of a person in the employ of a
19 federal, state, county, or municipal agency, or other political subdivi-
20 sion, insofar as such activities or services are a part of the duties in his
21 salaried position, and insofar as such activities or services are performed
22 solely on behalf of his employer.

23 ~~(3) Nothing in this chapter shall be construed to limit the activities~~
24 ~~and services of a student, intern, or resident in psychology, pursuing a~~
25 ~~course of study approved by the board as qualifying training and experience~~
26 ~~for psychologists, provided that such activities and services constitute a~~
27 ~~part of his supervised course of study, and he is designated by such titles~~
28 ~~as "psychology intern," "psychology trainee," or other title clearly indi-~~
29 ~~cating such training status. Nothing in this chapter shall be construed to~~
30 ~~limit the activities of a person employed by a duly chartered educational in-~~
31 ~~stitution solely as an administrator, teacher, or researcher or combination~~
32 ~~thereof in the discharge of those duties.~~

33 ~~(4) Nothing in this chapter shall be construed to prevent unlicensed~~
34 ~~persons from providing certain services under the direct supervision and~~
35 ~~control of licensed psychologists, under such rules as may be established by~~
36 ~~the board.~~

37 ~~(5) Nothing in this chapter shall be construed to prevent qualified~~
38 ~~members of other professions licensed or registered by the state of Idaho~~
39 ~~from doing work of a psychological nature consistent with their training and~~
40 ~~consistent with the code of ethics of their respective professions.~~

41 SECTION 3. That Section 54-2305, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psy-
44 chologist examiners shall have the following powers:

45 (1) To pass upon the qualifications and fitness of applicants for li-
46 censes, reciprocal licenses, certification and provisional certification
47 of prescriptive authority; and, at its option, to adopt and revise rules re-

1 quiring applicants to pass examinations relating to their qualifications as
2 a prerequisite to the issuance of licenses.

3 (2) To adopt and, from time to time, revise such rules in accordance
4 with the provisions of chapter 52, title 67, Idaho Code, and not inconsis-
5 tent with the law as may be necessary to carry into effect the provisions of
6 this chapter. Such rules shall include, but need not be limited to, a code
7 of ethics for psychologists in the state consistent with the current, and as
8 future amended, ethical standards for psychologists of the American psycho-
9 logical association and the educational and professional qualifications of
10 applicants for licensing under this chapter.

11 (3) To examine for, deny, approve, issue, revoke, suspend and renew the
12 licenses, permits, and certifications of psychologists, service extenders,
13 and psychologist applicants pursuant to this chapter, and to conduct hear-
14 ings in connection therewith.

15 (4) To conduct hearings upon complaints concerning violations of the
16 provisions of, and the rules adopted pursuant to, this chapter and cause the
17 prosecution and enjoinder of all such violations.

18 (5) The board, or its duly appointed hearing officer, shall have the
19 power in any disciplinary proceeding under this chapter to administer oaths,
20 take depositions of witnesses within or without the state in the manner pro-
21 vided by law in civil cases, and may apply to any district court of this state
22 for a subpoena to require the attendance of such witnesses and the produc-
23 tion of such books, records, and papers as it deems necessary. The fees and
24 mileage of the witnesses shall be the same as that allowed in district courts
25 in criminal cases, which fees and mileage shall be paid in the same manner as
26 other expenses of the board are paid. In any case of disobedience to, or ne-
27 glect of, any subpoena or subpoena duces tecum served upon any person, or the
28 refusal of any witness to testify to any matter regarding which he may be law-
29 fully interrogated.—~~It~~, it shall be the duty of any district court in this
30 state, on application by the board, to compel compliance with the subpoena by
31 proceedings for contempt, as in the case of disobedience of the requirements
32 of the subpoena issued from such court for refusal to testify therein. The
33 licensed person accused in such proceedings shall have the same right of sub-
34 poena.

35 (6) Proceedings before the board and judicial review of the action of
36 the board shall be governed by the provisions of chapter 52, title 67, Idaho
37 Code.

38 (7) To authorize, by written agreement, the bureau of occupational li-
39 censes as agent to act in its interest.

40 (8) To adopt a rule requiring continuing education as a condition of
41 continued licensure and certification.

42 (9) To adopt rules allowing for a temporary permit to individuals li-
43 censed as psychologists in another state authorizing such individuals to
44 practice psychology in Idaho for a period not to exceed thirty (30) days pur-
45 suant to such terms and requirements as set forth in the rules.

46 (10) To establish by rule an inactive license status.

47 (11) To establish by rule the standards and requirements for the use of
48 communication technology in the practice of psychology, including supervi-
49 sion.

1 (12) To establish by rule certification and provisional certification
2 of prescriptive authority pursuant to sections 54-2316 through 54-2319,
3 Idaho Code.

4 (13) To establish by rule a limited formulary or formularies for pre-
5 scribing use by holders of certification and provisional certification of
6 prescriptive authority.

7 (14) To establish by rule the permitting of service extenders.

8 SECTION 4. That Section 54-2309, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-2309. NONISSUANCE AND REVOCATION OF LICENSE OR PERMIT. No license
11 or permit may be issued, and a license or permit previously issued may be re-
12 voked, suspended, restricted, or otherwise disciplined if the person apply-
13 ing, or the person licensed be or permitted, is:

14 (1) Found guilty by a court of competent jurisdiction of a felony crime
15 that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

16 (2) Found by the board to be a repeated and excessive abuser of a con-
17 trolled substance;

18 (3) Found by the board to be a repeated and excessive abuser of alcohol;

19 (4) Found by the board to be in violation of any provision of this chap-
20 ter or any of the rules adopted pursuant to this chapter; or

21 (5) Found by the board to have been unethical as detailed by the cur-
22 rent, and future amended, ethical standards of the American psychological
23 association.

24 SECTION 5. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.