

SENATE FILE NO. SF0049

Psychologist licensure.

Sponsored by: Senator(s) Massie and Scott and
Representative(s) Blake, Craft, Gingery and
Hammons

A BILL

for

1 AN ACT relating to the Wyoming state board of psychology;
2 amending the psychologists licensing act; providing for
3 application of licensing act; removing separate licensing
4 requirements related to school psychologists; revising the
5 composition of the state board of psychology as specified;
6 providing for issuance of temporary licenses to practice
7 psychology as specified; revising the grounds and
8 evidentiary standard for disciplinary actions as specified;
9 authorizing the state board to employ specified personnel;
10 and providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 33-27-113(a)(iii) and by creating a
15 new subsection (b), 33-27-114(a), (e)(iii)(intro),
16 (f)(intro), (ii) and by creating a new subsection (g),

1 33-27-115(a), 33-27-116(a) and by creating a new subsection
2 (n), 33-27-117(a) through (c) and by creating a new
3 subsection (e), 33-27-119(a), (b) and (d), 33-27-120(a),
4 (b)(intro), (i), (iii), (iv), (v), (ix), (x), (xi), (xiii)
5 and (xvii) and by creating a new subsection (e),
6 33-27-122(a), (e), (f), (g), (h)(intro) and (iii) and
7 33-27-123(a)(intro), (iii), (iv) and (v) are amended to
8 read:

9

10 **33-27-113. Definitions.**

11

12 (a) As used in this act:

13

14 (iii) "Practice of psychology" means the
15 observation, description, evaluation, interpretation and
16 modification of human behavior by the application of
17 psychological principles, methods and procedures, for the
18 purpose of any one (1) or any combination of the following:

19

20 (A) Preventing, ~~or~~ eliminating, evaluating
21 or assessing symptomatic, maladaptive or undesired
22 behavior; ~~and of~~

23

1 (B) Enhancing interpersonal relationships,
2 work and life adjustment, personal effectiveness,
3 behavioral health and mental health; ~~Psychological~~
4 ~~services may be rendered to individuals, families, groups~~
5 ~~and the public. The practice of psychology shall be~~
6 ~~construed within the meaning of this definition without~~
7 ~~regard to whether payment is received for services~~
8 ~~rendered. The practice of psychology includes, but is not~~
9 ~~limited to:~~

10

11 (C) Consulting in legal decision making;

12

13 ~~(A)~~ (D) Psychological testing and the
14 evaluation or assessment of personal characteristics such
15 as intelligence, personality, abilities, interests,
16 aptitudes and neuropsychological functioning;

17

18 ~~(B)~~ (E) Psychoanalysis, psychotherapy,
19 hypnosis, biofeedback and behavior analysis and therapy;

20

21 ~~(C)~~ (F) Diagnosis and treatment of mental
22 and emotional disorder or disability, alcoholism and
23 substance abuse, disorders of habit or conduct, as well as

1 of psychological aspects of physical illness, accident,
2 injury or disability;~~and~~

3

4 ~~(D)~~(G) Psychoeducational evaluation,
5 therapy, remediation and consultation.

6

7 (b) A person not otherwise exempt from this act is
8 engaged in the practice of psychology when the person
9 advertises or represents that he is authorized to practice
10 psychology and performs any of the activities enumerated in
11 paragraph (a)(iii) of this section without regard to
12 whether payment is received for services rendered.

13

14 **33-27-114. Exemptions.**

15

16 (a) Nothing in this act shall be construed to prevent
17 members of other recognized professions who are licensed,
18 certified or regulated under the laws of this state as
19 defined in the rules and regulations from rendering
20 services consistent with their professional training and
21 code of ethics, provided that they do not represent
22 themselves to be psychologists.~~or school psychologists.~~

23

1 (e) Nothing in this act shall be construed to prevent
2 the persons described in this subsection from engaging in
3 activities defined as the practice of psychology, provided
4 that the persons shall not represent themselves by the
5 title "psychologist." The persons may use the terms
6 "psychological trainee," "psychological intern,"
7 "psychological resident" or "psychological practitioner"
8 and shall perform their activities under the supervision
9 and responsibility of a licensed psychologist in accordance
10 with the rules promulgated by the board. This subsection
11 shall only apply to:

12

13 (iii) A qualified practitioner holding a ~~masters~~
14 master's degree or doctoral degree in psychology from a
15 program approved by the board while working under the
16 supervision of a licensed psychologist. The board, in its
17 rules and regulations, shall establish:

18

19 (f) Nothing in this act shall be construed to prevent
20 specialists in school psychology from engaging in
21 activities defined as the practice of school psychology,
22 provided that they shall not represent themselves by the
23 title "school psychologist." These persons may perform
24 their activities under the supervision and responsibility

1 of a psychologist ~~or school psychologist~~ in accordance with
2 the rules promulgated by the board. The board, in its
3 rules and regulations, shall establish:

4

5 (ii) The number of specialists that a
6 psychologist ~~or school psychologist~~ may employ;

7

8 (g) Nothing in this act may be construed to require
9 employees or contractors of a state agency to be licensed
10 under this act in order to perform their official duties
11 related to the evaluation, auditing or designing of
12 programs, provided those employees or contractors do not
13 hold themselves out to be psychologists.

14

15 **33-27-115. State board of psychology.**

16

17 (a) The Wyoming state board of psychology shall
18 consist of ~~five (5)~~ six (6) licensed psychologists, ~~one (1)~~
19 ~~school psychologist~~, one (1) psychological practitioner and
20 two (2) public members appointed by the governor. Each
21 member shall be a resident of this state. Each member who
22 is a psychologist ~~or school psychologist~~ shall be licensed
23 under this act and shall have a minimum of three (3) years
24 of post-licensure experience. ~~7, except the first school~~

1 ~~psychologist shall have a minimum of five (5) years~~
2 ~~professional experience.~~ At least one (1) member who is a
3 psychologist shall be engaged full time in the doctoral
4 teaching and training of psychologists, and at least two
5 (2) members who are psychologists shall be engaged full
6 time in the professional practice of psychology. The
7 ~~initial~~ psychological practitioner shall have a minimum of
8 ~~five (5) years of professional experience and each~~
9 ~~succeeding psychological practitioner member shall have a~~
10 ~~minimum of~~ three (3) years post-certification experience.
11 The composition of the board shall represent both the
12 public and private sectors of the practice of psychology.
13 Public members shall not be psychologists, ~~school~~
14 ~~psychologists,~~ psychological practitioners, applicants or
15 former applicants for licensure or certification under this
16 act, members of another health profession, or members of a
17 household that includes a person licensed or certified
18 under this act. Board members shall be appointed who are
19 free from conflict of interest in performing the duties of
20 the board.

21

22 **33-27-116. Powers and duties of the board.**

23

1 (a) In accordance with this act and rules and
2 regulations promulgated under it, the board shall determine
3 a person's initial and continuing qualifications and
4 fitness to practice psychology, ~~or school psychology,~~
5 proceed against the unlawful and unlicensed practice of
6 psychology ~~or school psychology~~ and otherwise enforce this
7 act. ~~The board may employ necessary personnel.~~

8
9 (n) The board may employ or contract with an
10 executive secretary and other necessary staff. The
11 executive secretary shall not be a member of the board. The
12 board may set the salary for the executive secretary.

13
14 **33-27-117. Requirements for licensure.**

15
16 (a) The board shall issue a license as a psychologist
17 ~~or school psychologist, as appropriate,~~ to any applicant
18 who files an application upon a form and in a manner as
19 prescribed by the board, accompanied by the appropriate fee
20 and who furnishes satisfactory evidence to the board of the
21 following which evidence shall comply with rules and
22 regulations of the board:

23

1 (i) The ~~applicant submits evidence as the board~~
2 ~~deems desirable with due regard to the paramount interests~~
3 ~~of the public regarding his~~ applicant's honesty,
4 truthfulness, integrity and competency;

5
6 (ii) The ~~applicant possesses~~ applicant's receipt
7 of a doctoral degree from a program of graduate study in
8 psychology as defined in the rules and regulations, awarded
9 by an institution of higher education;

10
11 (iii) The ~~applicant demonstrates that he has~~
12 ~~completed two (2) years of supervised professional~~
13 ~~experience, one (1) year of which shall be predoctoral, and~~
14 ~~one (1) year of which shall be postdoctoral~~ applicant's
15 completion of one (1) year of predoctoral supervised
16 experience;

17
18 (iv) The ~~applicant has passed~~ applicant's
19 successful completion of the examination for professional
20 practice in psychology ~~or the national school psychology~~
21 ~~examination,~~ and any other written or oral examinations
22 prescribed by the board. The acceptable level of
23 performance for all examinations and policies regarding

1 reexamination of failed applicants shall be determined by
2 the board.

3

4 (b) The board may waive any examination if a
5 psychologist ~~or school psychologist~~ has been licensed in
6 another jurisdiction and if the requirements for licensure
7 in that jurisdiction are equal to, or exceed, the
8 requirements for licensure in this ~~jurisdiction~~ state.

9

10 (c) A person licensed as a psychologist or school
11 psychologist in this state on June 30, ~~1993~~ 2009 shall be
12 deemed to have met all requirements for licensure under
13 this act and shall be eligible for renewal of licensure as
14 a psychologist in accordance with this act.

15

16 (e) The board may issue a temporary license to an
17 applicant who is licensed or certified by a board of
18 psychology of another United States state or territory, or
19 of a foreign country or province whose standards are equal
20 to or exceed the requirements for licensure as a
21 psychologist in this state. A temporary licensee may offer
22 services as a psychologist in this state for not more than
23 thirty (30) working days in any year without holding a
24 permanent license issued under this act. The temporary

1 licensee shall report the nature and extent of the
2 licensee's practice in this state to the board if that
3 practice exceeds twenty (20) working days in any one (1)
4 calendar year.

5

6 **33-27-119. Practice without license.**

7

8 (a) No person who is not licensed under this act
9 shall:

10

11 (i) Represent himself as a psychologist~~;~~ or
12 ~~school psychologist; or~~

13

14 (ii) Engage in the practice of psychology ~~or~~
15 ~~school psychology~~ as defined in this act unless exempted in
16 W.S. 33-27-114.

17

18 (b) Unless exempt under W.S. 33-27-114, any person
19 who represents himself as a psychologist or ~~school~~
20 ~~psychologist or~~ who engages in the practice of psychology
21 ~~or school psychology~~ in violation of this act, is guilty of
22 a misdemeanor punishable by a fine of not more than seven
23 hundred fifty dollars (\$750.00), imprisonment for not more

1 than six (6) months, or both. Each violation shall
2 constitute a separate offense.

3

4 (d) No person whose license to practice as a
5 psychologist ~~or school psychologist~~ in any jurisdiction has
6 been suspended or revoked shall practice psychology ~~or~~
7 ~~school psychology~~ in this state. The board may suspend or
8 revoke the license of that person. The board may issue a
9 new license whenever it deems the issuance to be safe and
10 just.

11

12 **33-27-120. Grounds for denial, suspension or**
13 **revocation of license and other disciplinary sanctions.**

14

15 (a) A psychologist ~~or school psychologist~~ and anyone
16 under his supervision shall conduct his professional
17 activities in conformity with ethical and professional
18 standards promulgated by the board under its rules and
19 regulations.

20

21 (b) After notice and a hearing, the board may
22 ~~suspend, place on probation, require remediation for a~~
23 ~~specified time to be determined at the discretion of the~~
24 ~~board, restrict or revoke any license to practice~~

1 ~~psychology or school psychology, deny an application for~~
2 ~~licensure, or take any other action specified in the rules~~
3 ~~and regulations whenever the board shall find by a~~
4 ~~preponderance of the evidence, following a hearing~~
5 ~~conducted by the board pursuant to this act, that the~~
6 ~~psychologist, school psychologist or applicant has engaged~~
7 ~~in conduct prohibited by this act, rules or regulations~~
8 ~~promulgated by the board, or in revoke, refuse to renew,~~
9 ~~reprimand, censure, limit the scope of practice, place on~~
10 ~~probation with or without terms, conditions or limitations~~
11 ~~or suspend licenses to practice psychology for any of the~~
12 following acts or offenses:

13

14 (i) Fraud in applying for or procuring a license
15 to practice psychology; ~~or school psychology;~~

16

17 (iii) Practicing psychology ~~or school psychology~~
18 in a manner which endangers the welfare of clients or
19 patients;

20

21 (iv) Conviction of a felony that interferes with
22 the ability to practice psychology ~~or school psychology~~ as
23 defined in the rules and regulations;

24

1 (v) Conviction, ~~including a plea of no~~
2 ~~contendere, to~~ of any felony or conviction ~~or plea of no~~
3 ~~contendere to~~ of any crime or offense that reflects the
4 inability of the practitioner to practice with due regard
5 for the health and safety of clients or patients. A copy
6 of the conviction certified by the clerk of the court
7 entering the conviction is conclusive evidence of the
8 conviction;

9

10 (ix) Malpractice or negligence in the practice
11 of psychology; ~~or school psychology;~~

12

13 (x) Aiding or abetting the practice of
14 psychology ~~or school psychology~~ by a person not licensed by
15 the board;

16

17 (xi) ~~Conviction of~~ Fraud in filing medicare or
18 medicaid claims or in filing claims to any third party
19 payor;

20

21 (xiii) The suspension or revocation by another
22 state of a license to practice psychology; ~~or school~~
23 ~~psychology;~~

24

1 (xvii) Inability to practice psychology ~~or~~
2 ~~school psychology~~ with reasonable skill and safety to
3 patients or clients by reason of illness, inebriation,
4 misuse of drugs, narcotics, alcohol, chemicals or any other
5 substance or as a result of any mental or physical
6 condition.

7
8 (e) For purposes of this section, "conviction" means
9 and includes a plea of guilty, nolo contendere and a
10 verdict of guilty upon which a judgment of conviction may
11 be rendered.

12
13 **33-27-122. Board hearings and investigations.**

14
15 (a) The board may investigate or cause to be
16 investigated any allegation or evidence that appears to
17 show that a psychologist ~~or school psychologist~~ licensed to
18 practice in this jurisdiction, and anyone under his
19 supervision is, or may be, in violation of this act or of
20 any of the rules and regulations adopted by the board.

21
22 (e) The board may conduct a default hearing if, after
23 due notice, the individual fails or ~~refused~~ refuses to
24 appear. The board shall have the authority to issue

1 subpoenas for production of documents and witnesses and to
2 administer oaths. The board may apply to a court of
3 competent jurisdiction to compel compliance with a
4 subpoena.

5

6 (f) A psychologist ~~or school psychologist~~ may
7 surrender his license when he is charged with ~~unethical~~
8 ~~conduct~~ any violation of this act or board rules and
9 regulations, and such surrender and acceptance by the board
10 shall constitute acknowledgment by the person as an
11 admission of guilt as charged. The circumstances of the
12 surrender shall be reported in the same fashion as a
13 revocation action.

14

15 (g) A psychologist ~~or school psychologist~~ may request
16 in writing to the board that a restriction be placed upon
17 his license to practice. The board, in its discretion, may
18 accept a surrender or grant a request for restriction and
19 shall have the authority to attach restrictions to the
20 license to practice within this state or otherwise to
21 discipline the licensee.

22

23 (h) Subsequent to the holding of a hearing and the
24 taking of evidence by the board as provided for in this

1 section, if a majority of the board finds that a
2 psychologist ~~or school psychologist~~ is in violation of this
3 act or guilty of any of the acts, offenses or conditions as
4 enumerated by the board, the following actions may be
5 taken:

6
7 (iii) The board may impose revocation or
8 suspension of a license, but suspend enforcement thereof by
9 placing the psychologist ~~or school psychologist~~ on
10 probation, which probation shall be revocable if the board
11 finds the conditions of the probation order are not being
12 followed. As a condition of probation the board may
13 require the psychologist ~~or school psychologist~~ to submit
14 to care, counseling or treatment by a professional
15 designated by the board. The expense of the action shall
16 be borne by the probationer. The board may at any time
17 modify the conditions of the probation and may include
18 among them any reasonable condition for the purpose of the
19 protection of the public, or for the purpose of the
20 rehabilitation of the probationer, or both;

21

22 **33-27-123. Privileged communication.**

23

1 (a) In judicial proceedings, whether civil, criminal,
2 or juvenile, in legislative and administrative proceedings,
3 and in proceedings preliminary and ancillary thereto, a
4 patient or client, or his guardian or personal
5 representative, may refuse to disclose or prevent the
6 disclosure of confidential information, including
7 information contained in administrative records,
8 communicated to a person licensed or otherwise authorized
9 to practice under this act, or to persons reasonably
10 believed by the patient or client to be so licensed, and
11 their agents, for the purpose of diagnosis, evaluation or
12 treatment of any mental or emotional condition or disorder.
13 The psychologist ~~or school psychologist~~ shall not disclose
14 any information communicated as described above in the
15 absence of an express waiver of the privilege except in the
16 following circumstances:

17

18 (iii) Where such information is necessary for
19 the psychologist ~~or school psychologist~~ to defend against a
20 malpractice action brought by the patient or client;

21

22 (iv) Where an immediate threat of physical
23 violence against a readily identifiable victim is disclosed
24 to the psychologist; ~~or school psychologist;~~

1

2 (v) In the context of civil commitment
3 proceedings, where an immediate threat of self-inflicted
4 damage is disclosed to the psychologist; ~~or school~~
5 ~~psychologist;~~

6

7 **Section 2.** W.S. 33-27-113(a)(vii) and (ix) is
8 repealed.

9

10 **Section 3.** The term of the person representing school
11 psychologists on the Wyoming state board of psychology
12 shall continue pursuant to the terms of his gubernatorial
13 appointment and the person shall not be reappointed unless
14 the person otherwise qualifies for appointment as provided
15 in W.S. 33-27-115, as amended by this act.

16

17 **Section 4.** This act is effective July 1, 2009.

18

19

(END)