

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 780

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO RE-  
2 VISE A DEFINITION AND TO DEFINE A TERM; AMENDING SECTION 54-2303, IDAHO  
3 CODE, TO REVISE PROVISIONS REGARDING LICENSE EXEMPTIONS; AMENDING SEC-  
4 TION 54-2305, IDAHO CODE, TO REVISE PROVISIONS REGARDING BOARD POWERS;  
5 AMENDING SECTION 54-2309, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
6 LICENSES AND PERMITS; AND 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.~~ "Person" means a human individual.

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 has earned a doctoral degree  
4 in psychology or a master's degree in a mental health field and is permitted  
5 to provide psychological services under the supervision of a licensed psy-  
6 chologist.

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 activi-  
24 ties and services of an undergraduate student, or intern, or resident in  
25 psychology, pursuing a course of study approved by the board as qualifying  
26 training and experience for psychologists, provided that such activities  
27 and services constitute a part of his supervised course of study, and he is  
28 designated by such titles as "psychology intern," "psychology trainee," or  
29 other title clearly indicating such training status. Nothing in this chap-  
30 ter shall be construed to limit the activities of a person employed by a duly  
31 chartered educational institution solely as an administrator, teacher, or  
32 researcher or combination 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. Such services may include but are not limited to test adminis-  
37 tration, shadowing, co-conducting therapy, and brief interventions in the  
38 presence of other health care professionals.

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

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

45 54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psy-  
46 chologist examiners shall have the following powers:

1 (1) To pass upon the qualifications and fitness of applicants for li-  
2 censes, reciprocal licenses, certification and provisional certification  
3 of prescriptive authority; and, at its option, to adopt and revise rules re-  
4 quiring applicants to pass examinations relating to their qualifications as  
5 a prerequisite to the issuance of licenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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