Rhode Island Department of Health

PUBLIC NOTICE

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

The following seventy-five (75) regulations are proposed to be amended:

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
68. Rules and Regulations Pertaining to the Medical Examiner System
69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
73. Rules and Regulations Related to the Medical Marijuana Program
74. Rules and Regulations Related to the Practice of Electrolysis
75. Rules and Regulations Relating to Emergency Medical Services

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Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened*. Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received*. All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the 10 September 2012 deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: http://www.sos.ri.gov/rules/, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

Signed this 3rd day of August 2012

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

RULES AND REGULATIONS FOR LICENSING PSYCHOLOGISTS

[R5-44-PSY]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

February 1981

***As Amended*:**

May 1988
December 1993
March 1994 (T)
March 2001
November 2001
January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
December 2004
January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
September 2007
April 2008
April 2011
January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

August 2012 (Proposed)

COMPILER'S NOTES:
Proposed Additions: Underlined
Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These amended *Rules and Regulations for Licensing Psychologists* [*R-5-44-PSY*] are promulgated pursuant to the authority conferred under §5-44-6 of the General Laws of Rhode Island, as amended for the purpose of adopting prevailing standards for licensing psychologists in Rhode Island.

Pursuant to the provisions of §42-35-3(c) of the General Laws, of Rhode Island, as amended, the following issues have been given consideration in arriving at the amended regulations: (1) alternative approach to the regulations; and (2) duplication or overlap with other state regulations. Based on the available information, no known alternative approach, duplication or overlap was identified.

Upon promulgation of these amendments, these amended regulations shall supersede all previous *Rules and Regulations for Licensing Psychologists*, promulgated by the Department of Health and filed with the Secretary of State.

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Section 1.0 ***Definitions***

Whenever used in these rules and regulations the following terms shall be construed as follows:

1.1 ***"Act"*** refers to Chapter 5-44 of the General Laws of Rhode Island, as amended, entitled "Psychologists".

1.2 ***"Board"*** means the Board of Psychology within the Rhode Island Department of Health, established pursuant to the provisions of §5-44-3 of the Act.

1.3 "***Department"*** means the Rhode Island Department of Health.

1.4 ***"Director"*** means the Director of the Rhode Island Department of Health.

1.5 ***"Distance learning programs"*** means a type of education in which the components of psychological instruction, supervision, or consultation do not take place in residence and/or do not provide face-to-face contact with program faculty and students at an educational institution.

1.6 ***"Education"*** means the academic program pursued by the person in obtaining the doctoral degree, that program to include formal course work, seminars and practica.

1.7 ***"In residence",*** as used herein, means on the premises at an educational institution with direct face-to-face contact with program faculty and students.

1.8 ***"Internship"*** means the one (1) year of supervised experience usually obtained at the pre-doctoral level.

1.9 ***"Licensed psychologist"*** means a person who has been licensed for the practice of psychology according to the provisions of the Act.

1.10 "***Live hours***" means hours of continuing education acquired through attendance or participation at programs that provide for direct interaction between faculty and participants and may include lectures, symposia, live teleconferences or workshops.

1.11 ***"Practice of psychology"*** means the rendering of professional, psychological services to individuals, groups, families, or any public or private organization for remuneration. Professional psychological services means the application of established psychological principles, methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, and mental health. The practice of psychology includes, but is not limited to:

(i) diagnosis and treatment of emotional, mental or behavioral dysfunction, disorder or disability, alcoholism and substance abuse disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury or disability;

(ii) psychological testing and evaluation of intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning;

(iii) psychoeducation evaluation, therapy, remediation and consultation;

(iv) counseling, psychotherapy, psychoanalysis, hypnotherapy, biofeedback and behavior analysis and therapy.

1.12 ***"Psychology student", "psychology trainee", or "psychology intern"*** means a student, intern or other person studying or preparing for the profession of psychologist under the supervision of recognized educational or training institutions or facilities.

1.13 ***"Regionally accredited"*** means the official guarantee that a college or university is in conformity with the standard of education prescribed by a regional accrediting commission recognized by the U.S. Commissioner of Education.

1.14 ***"Supervised experience"*** means the practical application of principles, methods and procedures of the science of psychology in accordance with the requirements of §5.1.2 of these Regulations.

1.15 ***"These Regulations"*** mean all parts of Rhode Island *Rules and Regulations for Licensing Psychologists* [*R-5-44-PSY*].

1.16 ***"Training"*** means the pre-professional or professional supervised experience received by the person at the pre or post-doctoral level, that experience to have been obtained in an internship, clinic, or other similar professional setting.

Section 2.0 ***Licensing Requirement***

2.1 It shall be unlawful for any person, including psychology trainee or student, to represent himself or herself as a licensed psychologist or to use any description of services, including the terms "psychology" and "psychological", or any title, abbreviation, sign, card or device to indicate that such a person is a psychologist, unless such a person has been duly licensed pursuant to the provisions of the Act and these Regulations, except those exempted pursuant to §5-44-23 of the Act.

2.2 It shall further be unlawful for any person to offer services to the public or to render to individuals or groups of individuals services defined as the practice of psychology, as defined in §1.11 of these Regulations, unless that person is licensed pursuant to the provisions of the Act, or falls within an exemption provided by §5-44-23 of the Act.

Persons and Practices Exempt

2.3 No provisions of the Act shall be construed to prevent members of other recognized professions that are licensed, certified, or regulated for independent practice of that profession under the laws of this state from rendering services consistent with their professional training and code of ethics; provided, that they do not represent themselves to be psychologists. Recognized members of the clergy are not restricted from functioning in their ministerial capacity; provided, that they do not represent themselves to be psychologists.

2.4 Nothing in the Act shall be construed to prohibit teachers, guidance personnel, social workers, and school psychologists in public or private school, from full performance of their duties; nor to prohibit the use of psychological techniques by business or industrial organizations or companies for employment, placement, evaluation, promotion, or job adjustment of their own officers or employees.

2.5 Nothing in this section shall be construed as prohibiting the use of consultants who are defined as qualified mental retardation professionals under the Code of Federal Regulations (CFR) 42, § 483.430, by facilities licensed as intermediate care facilities for people who are mentally retarded by the Department of Mental Health, Retardation and Hospitals.

2.6 Nothing in the Act shall be construed as permitting the licensed psychologist to practice medicine as defined by Chapter 5-37 of the General Laws of Rhode Island, as amended, entitled "Board of Medical Licensure and Discipline".

2.7 Nothing in §2.0 of these Regulations shall be construed as permitting those persons identified in §§ 2.4 and 2.8 of these Regulations to offer their services to any persons or organizations other than those listed in §2.7 of these Regulations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries or fees unless they have been licensed under the Act or exempted under §2.3 of these Regulations.

2.8 Nothing in the Act limits the professional pursuits of any nonlicensed psychologists, psychology students, psychology trainees, or persons rendering psychological services as an employee of a licensed hospital, accredited educational institution, authorized community mental health clinic or center, government or medical agency, while functioning under the title conferred upon him or her by the administration of any hospital, educational institution or agency.

2.8.1 Those organizations listed in §2.8 of these Regulations include all facilities, agencies, or institutions regulated and/or licensed by the Department of Health, the Department of Education, the Department of Children, Youth and Families and the Department of Mental Health, Retardation and Hospitals.

2.9 A psychologist licensed or certified in another state, or United States territory, may perform psychological services in the state of Rhode Island without obtaining a license for up to ten (10) calendar days per calendar year with no more than five (5) days of this activity occurring consecutively. The calendar day limit shall not apply to service as an expert witness in a legal proceeding.

Section 3.0 ***Qualifications for Licensing***

3.1 An applicant seeking a license as a psychologist to practice in the state of Rhode Island must:

(a) be of good moral character;

(b) have received a doctorate degree in psychology which meets the academic requirements of §4.1 of these Regulations; or, have received the equivalent of a doctorate degree in

psychology which meets the equivalency requirements of §4.2 of these Regulations.

(c) have completed at least two (2) years of supervised experience in accordance with §5.0 of these Regulations;

(d) have passed to the satisfaction of the Board, an examination in accordance with §7.1 of these Regulations, unless determined eligible for licensure without examination pursuant to §7.3 of these Regulations; and

(e) have demonstrated areas of competence, if applicable, in conformance with current guidelines of the American Psychological Association and as documented by relevant professional education, training and experience.

3.2 An applicant seeking licensure in Rhode Island who possesses the Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards or the National Register Health Service Provider in Psychology credential issued by the National Register of Health Service Providers in Psychology (NRHSPP) shall be deemed to have met the requirements for licensure as stated herein.

Section 4.0 ***Academic Requirements***

Doctorate In Psychology

4.1 An applicant for licensure shall hold a doctoral degree in psychology from a regionally accredited college or university whose program of study was accredited by the American Psychological Association, at the time such degree was received, or its equivalent in terms of excellence of education and training, or a doctorate degree in an allied field whose education and training requirements are listed below:

Equivalency to Doctorate in Psychology

4.2 An applicant who has received a doctoral degree in a related discipline shall be judged to hold the equivalent of a doctorate degree in psychology, if the following equivalency requirements are met to the satisfaction of the Board:

(a) the program of study was an integrated, organized sequence of study within or with an affiliated regionally accredited college or university;

(b) a minimum of thirty-six (36) credit hours shall be earned in residence at the educational institution through in-person psychology instruction with multiple program faculty and students;

(c) at least seventy-two (72) semester hours or one hundred-eight (108) quarter hours of graduate course credits completed (excluding dissertation and supervised experience credits) were predominantly psychological in nature and encompassed courses equivalent to the program of study for psychologists whose curriculum includes a minimum of three (3) academic years of full-time graduate study, including instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, history and systems of psychology and a major field of concentration. Within this basic program should be included a minimum of three (3) or more graduate semester hours or five (5) or more graduate quarter hours with

demonstrated competency in each of the following areas:

(i) ***Biological Bases of Behavior***: (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology);

(ii) ***Cognitive-Affective Bases of Psychology***: (e.g., learning, thinking, emotion and motivation);

(iii) ***Social Bases of Behavior***: (e.g., group process, multiculturalism, organizational and systems theory); and

iv) ***Individual Differences***: (e.g., personality theory, human development, abnormal psychology).

(d) the nature of the method and content of the dissertation where required was psychologically oriented; and

(e) the supervised experience and internship meets the requirements of §5.0 of these Regulations.

4.2.1 Distance learning programs shall only be recognized as acceptable equivalents if accredited by the American Psychological Association (APA).

Section 5.0 ***Supervised Experience and Internship***

5.1 Applicants for licensure as psychologists shall be required to have completed supervised clinical experience and internship programs as defined in §5.0 of these Regulations, and that meet the following requirements:

5.1.1 Completed fifteen hundred (1,500) hours of supervised internship after completion of the equivalent of two (2) years of full-time graduate study in an integrated organized study program;

5.1.2 Completed the second year of supervised experience after completion of academic requirements for the doctoral degree;

Said supervised experience shall consist of the following:

(a) Be at least two (2) years in duration, one (1) year of which shall be post-doctoral;

(b) Consist of a minimum of three thousand (3,000) hours, fifteen hundred (1,500) of which shall be post-doctoral hours;

(c) Shall be under the supervision of a psychologist certified or licensed pursuant to the statutory provisions of the state in which the supervised experience was obtained.

5.1.3 Obtained supervised experience in a setting affiliated with a regionally accredited college or university, or in a setting approved by the American Psychological Association, or an equivalent setting satisfactory to the Board;

5.1.4 The pre and/or post doctoral experience must be distinct and separate from any field, laboratory or practical experience required in connection with academic course(s);

5.1.5 Supervision of a trainee shall be provided in accordance with acceptable standards of practice by a licensed psychologist pursuant to the statutory provisions of the state in which the supervised experience was obtained and who was responsible for:

(a) establishing an individualized supervisory program through practical experience for the professional growth and training of the trainee;

(b) all aspects of the work of the trainee;

(c) on-going supervision and availability to the trainee at all times during work hours;

(d) weekly conferences with the trainee, on a one-to-one basis, for at least one (1) hour per week for the duration of the experience in addition to other supervisory case conferences;

(e) the utilization of appropriate community resources and professional consultation as may be required for the welfare of clients;

(f) providing opportunities for broad range of experiences and for group seminars, case conferences, consultation and other similar experiences;

(g) assessment of performance and skills of trainee (documented); and

(h) such other functions as may be required to assist in providing an adequate practical experience.

5.2 The Board shall require submission of such information as may be deemed necessary to evaluate the nature and scope of the applicant's supervised experience based on the requirements herein. Such information may include, but not be limited to:

(a) supervisor's name and qualifications;

(b) dates, location and duration of experience (pre or post doctoral);

(c) duties of supervisor(s) and trainee;

(d) nature and extent of practical experience;

(e) amount and type of supervision, including time frame; and

(f) supervisor's documented assessment of trainee's performance.

Section 6.0 ***Application for Licensure and Fee***

6.1 Application for licensure shall be made on forms acceptable to the Department which shall be completed, notarized and submitted to the Board. Such application shall be accompanied by the following documents:

(a) Supporting official transcripts of education credentials and affidavits of internship;

(b) The application fee ~~of two hundred fifty dollars ($250.00)~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* made payable to the General Treasurer, State of Rhode Island (not refundable and non-returnable).

(c) Examination of Professional Practice in Psychology (EPPP) examination results submitted directly by the examination service;

(d) Pre- and post-doctoral supervised practice forms;

(e) One (1) unmounted photograph of the applicant, head and shoulder front view, approximately 2 x 3 inches in size;

(f) Curriculum Summary Form (non-APA approved only);

(g) Verification that the licensee is in good standing in state(s) where licensed [if licensed in another state(s)].

Section 7.0 ***Licensure of Psychologists***

By Examination

7.1 Applicants shall be required to pass the Examination of Professional Practice in Psychology (EPPP) offered by the Association of State and Provincial Psychology Boards (ASPPB), unless exempted in accordance with §7.3 of these Regulations. The passing score, as approved by the Board, shall be the ASPPB's recommended passing score.

Temporary Permits

7.2 A temporary permit to practice psychology under supervision may be granted to a candidate for licensure who has paid the required fee ~~of ninety dollars ($90.00)~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* and has satisfied the following requirements:

(1) Filed an application for licensure with all required supporting materials.

(2) Has received a doctoral degree in accordance with §5-44-10 of the Act, and successfully completed a national examination approved by the Board;

(3) Shall only practice under the appropriate supervision of a licensed psychologist as delineated in these Regulations;

(4) Shall refrain from using the title of "psychologist" or representing himself/herself as a psychologist other than the use of the title "psychology student", "psychology trainee", or "psychology intern"; and

(5) The temporary permit shall be valid for a period of two (2) years from the date of issuance.

(6) Temporary permit holders may request from the Board a one (1) year extension. Such an extension may be granted at the discretion of the Board upon review of the applicant's circumstances. This extension shall only be granted once.

By Endorsement

7.3 A license as a psychologist may be issued to an applicant who has been duly licensed or certified as a psychologist under the laws of another state, United States territory or foreign

country where the Board determines that the requirements are substantially equivalent to those of this state, or to a person who has been certified after examination by the American Board of Examiners in Professional Psychology if the Board shall determine that such examination is substantially equivalent to, or exceeds the requirements of the examination approved by the Board and if the applicant otherwise meets the qualifications required by these Regulations.

Section 8.0 ***Continuing Education***

8.1 Every psychologist licensed to practice in this state under the provisions of the Act and these Regulations, shall upon renewal of license in every other year, with the exception of those initially licensed as in §8.4.2 of these Regulations, demonstrate to the Department compliance with the continuing education requirements described in these Regulations. The cycle for continuing education requirements begins on July 1st and runs through June 30th of even-numbered years (i.e., 2012-2014, 2014-2016, etc). Approved continuing education programs shall include:

- Any continuing education program relevant to psychology and sponsored or approved by the American Psychological Association, the Rhode Island Psychological Association;
- Any continuing education program relevant to psychology and sponsored or approved by other recognized professional psychological organizations; including the national and state professional associations for all licensed mental health professions in this state;
- Any continuing education program relevant to psychology and sponsored or approved by the Rhode Island State Nurses Association or other state nurses association;
- Any continuing education program relevant to psychology and sponsored or approved by the Rhode Island Medical Society, other state medical society, or medical school (and its affiliated training institutions) that has an American Psychology Association (APA) approved post-doctoral program in psychology;
- Appropriate post-doctoral coursework from any regionally accredited college; any department or school of psychology approved by a board of psychology, or
- Such other professional or accrediting agency as may be approved by the Board.

8.2 The application for license renewal shall include a signed statement attesting to the satisfactory completion of at least twenty-four (24) credits of continuing education relevant to psychology, approved by the Board, and completed over the two (2) year period preceding relicensure.

Continuing Education Programs and Credits

8.3 Internet courses, correspondence courses, tapes, or other continuing education programs that do not provide for direct interaction between faculty and the psychologist or formal continuing education programs that include courses, workshops and/or institutes are acceptable for continuing education credits.

8.4 It shall be the sole responsibility of the individual psychologist to obtain documentation from the approved sponsoring or cosponsoring organization, agency, or institution of his or her participation in a continuing education program and/or activity which shall include no less

than the date, the time, the subject matter, name of lecturer or teacher, or such other data and the number of credits earned.

8.4.1 Those documents must be safeguarded by the psychologist for random audit by the Department as may be requested. Those documents must be retained by each psychologist for no less than four (4) years, (i.e., from the date of licensure renewal).

8.4.2 Psychologists initially licensed by examination after the July 1st renewal date shall be exempt from the continuing education requirements stated in these Regulations until the date of the next renewal cycle (i.e., June 30th of the next even-numbered year).

8.4.3 An extension of time to complete the continuing education requirements may be granted to a psychologist solely at the discretion of the Board for reasons of hardship or other extenuating circumstances.

8.5 A license may be denied to any applicant who fails to provide satisfactory evidence of completion of continuing education relevant to psychology as required by these Regulations.

8.6 Failure to comply with any provisions of §8.0 of these Regulations shall be subject to the sanctions of §10.0 of these Regulations. Furthermore, all hearings and reviews which may be required shall be subject to the provisions of §11.0 of these Regulations.

Section 9.0 ***Issuance and Renewal of License***

9.1 On or before the first day of May in each even-numbered year beginning in 2012, the Department shall make available an application for license renewal to every person to whom a license has been issued or renewed during the cycle. Every person so licensed who desires to renew his or her license shall file such renewal application duly executed together with a renewal fee ~~of three hundred and forty dollars ($340)~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* on or before the first day of June of the next even-numbered year following the issuance of his or her license. Such renewal application shall include an attestation of completion of the continuing education requirements in accordance with §8.0 of these Regulations.

9.2 Any person who allows his or her license to lapse by failing to renew it on or before June 1st in each even-numbered year may be reinstated upon submission of an application with payment of the current renewal fee, plus an additional fee ~~of forty dollars ($40.00) pursuant to §5-44-15 of the Act.~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*

Any person using the title "psychologist" or offering serviced defined as the practice of psychology under the Act during the time his or her license has lapsed is subject to the penalties provided for violation of the Act.

Transfers to Inactive List – Reinstatement

9.3 A psychologist who does not intend to continue his or her licensure, upon written request to the Department may have his or her name transferred to an inactive list, and is not required to pay the renewal fee as long as he or she remains inactive.

9.3.1 Should a psychologist wish to resume functioning as a psychologist, he or she must notify the Department and remit his or her renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* along with an application and attestation of completion of the continuing education requirements in accordance with §8.0 of these Regulations within the immediate two (2) years prior to the applicant's request for licensure reinstatement.

Section 10.0 ***Denial, Suspension or Revocation of License - Violations***

10.1 Upon due notice and hearing in accordance with Chapter 42-35 of the Rhode Island General Laws, as amended (the Administrative Procedures Act), and the provisions of §11.1 of these Regulations, any violation pursuant to the provisions of the Act and these Regulations, may be cause for denial, revocation or suspension of license or for imposing such other penalties in accordance with the Act.

10.2 The Board shall have the power to deny, revoke or suspend any license issued by the Department in accordance with the Act, or discipline a psychologist upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license or temporary license;

(2) Is guilty of a felony or of a crime of immorality.

(3) Is habitually intemperate or is addicted to the use of habit-forming drugs.

(4) Is mentally incompetent.

(5) Is incompetent or negligent in the practice of psychology and has violated the provisions of the Act, or these Regulations.

(6) Has violated the ethical principles governing psychologists and the practice of psychology, as adopted by the Board and in force at the time a charge is made regardless of whether or not the person is a member of any national, regional, or state psychological association; provided, that those ethical principles are a national recognized standard; and departure from or the failure to conform to the minimal standards of acceptable and prevailing psychology practice.

(7) Has practiced as a psychologist or has performed the duties of a psychologist without proper supervision by a psychologist licensed under the Act unless specifically exempted by the Act.

(8) Has practiced outside of his/her area of competence;

(9) Has had their license revoked, suspended, privileges limited or other disciplinary action in another state or jurisdiction, including the voluntary surrender of a license.

(10) Has failed to furnish the Department or its legal representative information requested by

the Board as part of a disciplinary action.

10.3 **Grounds for Discipline Without a Hearing**. With the approval of the Director, the Board may temporarily suspend the license of a psychologist without a hearing if the Board finds that evidence in its possession indicates that a psychologist continuing in practice would constitute an immediate danger to the public. In the event that the Board temporarily suspends the license of a psychologist without a hearing by the Board, a hearing must be held within ten (10) days after the suspension has occurred.

Section 11.0 ***Rules Governing Practices and Procedures***

11.1 All hearings and reviews required under the provisions of the Act shall be held in accordance with the provisions of the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP).*

Section 12.0 ***Severability***

12.1 If any provision of these Regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of these Regulations which can be given effect, and to this end the provisions of these Regulations are declared to be severable.

Tuesday, July 31, 2012
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