Rhode Island Department of Health

NOTICE OF PUBLIC HEARING

The Director of the Rhode Island Department of Health has under consideration proposed ***Rules and Regulations for Licensing Psychologists* [*R-5-44-PSY*]** promulgated pursuant to the authority conferred under Chapters 5-44 and 42-35 of the Rhode Island General Laws, as amended. The purpose of the proposed changes is to update standards of education, training, and experience for licensure of psychologists. The proposed amendments also address "housekeeping" changes in these Regulations.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a public hearing on the above mentioned matter, in the **AUDITORIUM** of the Rhode Island Department of Health (on the lower level of the Cannon Building), Three Capitol Hill, Providence, Rhode Island on **THURSDAY, 13 JANUARY 2011 at 9:00 a.m.** at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

In the development of the rules and regulations, 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.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or mailed prior to the hearing date to: David R. Gifford, M.D., M.P.H., Director, Rhode Island Department of Health, #401 Cannon Building, 3 Capitol Hill, Providence, Rhode Island 02908-5097.

Copies of the regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, on the Department's website: www.health.ri.gov/hsr/regulations/index.php or the Secretary of State's website: http://www.sec.state.ri.us/rules/, by calling 401-222-7767 or by e-mail to Bill.Dundulis@health.ri.gov

The Department of Health is accessible to the handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-7767 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Signed this 8th day of November 2010

David R. Gifford, M.D., M.P.H. , Director of Health

PUBLIC HEARING DRAFT – REVISED 4 NOVEMBER 2010

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
January 2011 (Proposed)

COMPILER'S NOTES:
Proposed additions: Double-Underlined
Proposed deletions: ~~Strikeouts~~
Statutory Language: *Italics*

INTRODUCTION

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

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

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

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PUBLIC HEARING DRAFT – REVISED 4 NOVEMBER 2010

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"*** ~~shall~~ means the Board of Psychology within the Rhode Island Department of Health, established pursuant to the provisions of ~~section~~ §5-44-3 of the Act ~~General Laws of Rhode Island, as amended~~.

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

~~1.3~~ 1.4 ***"Director"*** ~~shall~~ means the Director of the Rhode Island Department of Health.

~~1.4~~ 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.

~~1.5~~ 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.

~~1.6~~ 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.

~~1.7~~ 1.8 ***"Internship"*** means the one (1) year of supervised experience usually obtained at the pre-doctoral level.

~~1.8~~ 1.9 ***"Licensed psychologist"*** ~~shall~~ means a person who has been licensed for the practice of psychology according to the provisions of the Act ~~Chapter 5-44 of the General Laws of Rhode Island, as amended~~.

~~1.9~~ 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.

~~1.10~~ 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.

~~1.11~~ 1.12 ***"Psychology student"***, ~~or~~ "***psychology trainee"***, ***or "psychology intern"*** ~~shall~~ 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.

~~1.12~~ 1.13 ***"Regionally accredited"*** ~~shall~~ 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.

~~1.13~~ 1.14 ***"Supervised experience"*** ~~shall~~ means the practical application of principles, methods and procedures of the science of psychology in accordance with the requirements of ~~section~~ §5.1.2 of these Regulations ~~herein~~.

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

~~1.14~~ 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 Chapter 5-44 of the General Laws of Rhode Island, as amended,~~ the Act and these ~~rules and~~ Regulations ~~herein~~, except those exempted pursuant to ~~section~~ §5-44-23 of the Act ~~General Laws of Rhode Island, as amended~~.

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 ~~section 1.10~~ §1.11 of these Regulations, unless that person is licensed pursuant to the provisions of the Act ~~Chapter 5-44 of the General Laws, as amended~~, or falls within an exemption provided by ~~section~~ §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 ~~the laws of this state~~ Chapter 5-37 of the General Laws of Rhode Island, as amended, entitled "Board of Medical Licensure and Discipline".

2.7 Nothing in ~~this section~~ §2.0 of these Regulations shall be construed as permitting those persons identified in ~~sections~~ §§ 2.4 and 2.8 of these Regulations to offer their services to any persons or organizations other than those listed in ~~section~~ §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 ~~section~~ §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 ~~section~~ §2.8 of these Regulations ~~(above)~~ 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 ~~section~~ §4.1 of these Regulations ~~herein~~; or, have received the equivalent of a doctorate degree in psychology which meets the equivalency requirements of ~~section~~ §4.2 of these Regulations ~~herein~~.

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

(d) have passed to the satisfaction of the Board, an examination in accordance with ~~section~~ §7.1 ~~herein~~ of these Regulations, unless determined eligible for licensure without examination pursuant to ~~section~~ §7.3 ~~herein~~ 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 ~~section~~ ~~§~~5.0 ~~herein~~ ~~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 ~~herein~~ ~~in §5.0 of these Regulations~~, and that meet the following requirements:

5.1.1 ~~have~~ 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 ~~have~~ 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 ~~have~~ 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 ~~fourteen (14) days prior to the scheduled date of the Board meeting~~. 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) 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 ~~section~~ §7.3 ~~herein~~ 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) and has satisfied the following requirements:

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

(2) ~~Has otherwise met all the requirements for admissions to examination except the requisite number of hours of post-doctoral supervised experience in a setting and manner satisfactory to the Board.~~ *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) ~~Requested in writing the issuance of this temporary permit for the purpose of meeting the supervision requirement.~~ *Shall only practice under the appropriate supervision of a licensed psychologist as delineated* in these Regulations;

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

(5) ~~Completion of the requisite number of hours of post-doctoral experience within three (3) years of the date of the temporary permit.~~ *The temporary permit shall be valid for a period of two (2) years from the date of issuance.*

(6) ~~The temporary permit will expire upon notice of passing or failing the examination for licensure. In the event of failure of the examination, the permit may be extended under~~

~~further requirements established by the Board.~~ *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 ~~without examination~~ 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 ~~offered~~ *approved* by the Board and if the applicant otherwise meets the qualifications required ~~herein~~ by these Regulations.

~~7.4 A psychologist licensed or certified under the laws of another jurisdiction may be authorized by the Board to practice psychology for a maximum of one (1) year, provided that the psychologist has made application to the Board of Licensure and has met the educational and experience requirements for licensure in this state. Denial of such licensure terminates such authorization.~~

Section 8.0 ***Continuing Education***

8.1 Every psychologist licensed to practice in this state under the provisions of the Act and these Regulations ~~herein~~, shall upon renewal of license in every other year, with the exception of those initially licensed as in ~~section~~ §8.4.2 ~~herein~~ 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 ~~June~~ July 1st and runs through ~~May 31st~~ June 30th of ~~subsequent~~ 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 ~~twelve (12)~~ twenty-four (24) credits of continuing education relevant to psychology, approved by the Board, and completed over the ~~one (1)~~ 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 ~~two (2)~~ four (4) years, (i.e., from the date of licensure renewal).

8.4.2 Psychologists initially licensed by examination after the ~~June~~ July 1st renewal date shall be exempt from the continuing education requirements stated ~~herein~~ in these Regulations until the date of the next renewal cycle (i.e., ~~May 31st~~ 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 ~~herein~~ by these Regulations.

8.6 Failure to comply with any provisions of ~~this section~~ §8.0 of these Regulations shall be subject to the sanctions of ~~section~~ §10.0 ~~herein~~ of these Regulations. Furthermore, all hearings and reviews which may be required shall be subject to the provisions of ~~section~~ §11.0 ~~herein~~ 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 ~~mail~~ make available an application for license renewal to every person to whom a license has been issued or renewed during the ~~current year~~ 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 ~~one hundred seventy dollars ($170.00)~~ *three hundred and forty dollars ($340)* on or before the first day of June ~~in each year~~ *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 ~~section~~ §8.0 ~~herein~~ 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 application with payment of the current renewal fee, plus an additional fee of forty dollars ($40.00) pursuant to ~~section~~ §5-44-15 of the Act ~~General Laws of Rhode Island, as amended~~. 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 ~~he or she~~ *a psychologist* wish to resume functioning as a psychologist, he or she must notify the Department and remit his or her renewal fee along with an application and attestation of completion of the continuing education requirements in accordance with ~~section~~ §8.0 ~~herein~~ of these Regulations within the immediate ~~one (1) year~~ *two (2) years* prior to the applicant's request for licensure reinstatement. ~~and his or her license shall be reinstated.~~

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 ~~section~~ §11.1 ~~herein~~ of these Regulations, any violation pursuant to the provisions of the Act ~~Chapter 5-44 of the General Laws of Rhode Island, as amended,~~ and these ~~rules and~~ Regulations ~~herein~~, may be cause for denial, revocation or suspension of license or for imposing such other penalties in accordance with the Act ~~Chapter 5-44 of the General Laws of Rhode Island, as amended~~.

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

(1) Is guilty of fraud or deceit in procuring or attempting to procure a ~~registration~~ *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) ~~Has willfully or repeatedly violated any of the provisions of Chapter 5-44 of the General Laws, as amended, or these regulations;~~ *Is incompetent or negligent in the practice of psychology and has violated the provisions of the Act, or these Regulations .*

(6) ~~is habitually negligent in the performance of his/her duties;~~ *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 willfully or repeatedly violated any of 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 and determined by the Board, regardless of whether or not the person is a member of any national, regional or state psychological association; provided however that those ethical principles shall be of a nationally recognized standard;~~ *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 provided services to a person who is making a claim as a result of a personal injury, who charges or collects from the person any amount in excess of the reimbursement to the psychologist by the insurer as a condition of providing or continuing to provide services or treatment.~~ 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 demonstrated incompetent, negligent or other willful misconduct in the practice of psychology, which shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing psychology practice. The Director need not establish actual injury to the patient in order to adjudge a psychologist guilty of the named conduct~~. *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 ~~Chapter 5-44 of the General Laws of Rhode Island, as amended,~~ 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 ~~rules and~~ 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 ~~rules and~~ Regulations which can be given effect, and to this end the provisions of these ~~rules and~~ Regulations are declared to be severable.

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