

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 750 Department or Agency Board of Examiners in Psychology
Rule No. 750-X-2-.08
Rule Title: Licensure of Applicants Licensed To Practice Psychology In Another Jurisdiction
New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

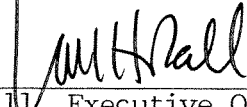
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Lori Rall, Executive Officer
Date 09/19/2013

(DATE FILED)
(STAMP)

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 750-X-1-.01 Membership

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding the diversity requirements of Board member positions.

RULE NO. & TITLE: 750-X-1-.02 Election Of Officers, Terms Of Office, And Duties

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding the nomination process for filling Board positions.

RULE NO. & TITLE: 750-X-1-.03 Filling An Unexpired Term

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding the nomination process for filling Board positions with unexpired terms.

RULE NO. & TITLE: 750-X-1-.08 Alabama Sunset Law

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to adopt the above new rule.

SUBSTANCE OF PROPOSED ACTION: The adoption of this new rule is needed to comply with Act 2013-386 and the Alabama Sunset Law, Title 41, Chapter 20, regarding the Board's termination and continuation dates pursuant to the Alabama Sunset Law.

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

NOTICE OF INTENDED ACTION CONTINUED

RULE NO. & TITLE: 750-X-2-.01 Candidates For Licensure

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386. The requirement of U.S. citizenship and/or legal presence in the U.S. is already stated in the Beason-Hammon Alabama Taxpayer & Citizen Protection Act (Act 2011-535).

RULE NO. & TITLE: 750-X-2-.03 Application Form

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding criminal history background checks.

RULE NO. & TITLE: 750-X-2-.07 Internship Training

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to correct a typographical error (adding an apostrophe to a word in 750-X-2-.07(2)(1)).

RULE NO. & TITLE: 750-X-2-.08 Licensure of Applicants Licensed To Practice Psychology In Another Jurisdiction

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding U.S. citizenship and licensure requirements (CPQ and ABPP status), 30-day practice and disaster/emergency practice.

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

NOTICE OF INTENDED ACTION CONTINUED

RULE NO. & TITLE: 750-X-2A-.03 Application Form

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding criminal history background checks.

RULE NO. & TITLE: 750-X-3A-.01 Rationale

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 stating that continuing education shall be relevant to or applicable within the practice of psychology.

RULE NO. & TITLE: 750-X-3A-.08 Failure To Comply With Continuing Education Requirements

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding lapsed licensure for failure to engage in continuing education or failure to pay the annual continuing education fee.

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

NOTICE OF INTENDED ACTION CONTINUED

RULE NO. & TITLE: 750-X-4-.01 License Renewal

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding lapsed licensure for failure to pay the annual license renewal and continuing education fees.

RULE NO. & TITLE: 750-X-4-.02 Inactive Status

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to adopt the above new rule.

SUBSTANCE OF PROPOSED ACTION: The adoption of this new rule is needed to comply with Act 2013-386 regarding the designation of inactive status of a psychologist license.

RULE NO. & TITLE: 750-X-4-.02 Representation To The Public

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule number.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed for re-numbering purposes (750-X-4-.03) due to the adoption of the subsequent new rule in compliance with Act 2013-386.

RULE NO. & TITLE: 750-X-5-.03 Disciplinary Actions Against Licensed Psychologists and Licensed Psychological Technicians

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding penalties for violations, judicial review of Board orders, disciplinary oversight of licensees and reporting of disciplinary actions.

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

NOTICE OF INTENDED ACTION CONTINUED

RULE NO. & TITLE: 750-X-5-.04 Inquiries About Unlicensed Individuals

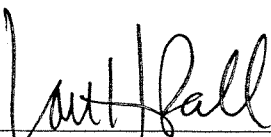
INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 allowing the Board to bring action in the Circuit Court of Montgomery County for violations of the law, Board rules or Board orders.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2013

TIME, PLACE AND MANNER OF PRESENTING VIEWS: Interested Persons may present their views in writing to the Executive Officer of the Board at any time during the 35-day period following September 30, 2013, or if requested in advance (no later than November 4, 2013), by personally appearing at 660 Adams Avenue, Suite 360, Montgomery, Alabama, on Friday, November 8, 2013 at 10:00 a.m. Contact Person: Mrs. Lori Rall, Executive Officer, Alabama Board of Examiners in Psychology, 660 Adams Avenue, Suite 360, Montgomery, AL 36104.

CONTACT PERSON AT AGENCY: Lori Rall, Executive Officer



Lori Rall
Executive Officer

750-X-2-.08 Licensure of Applicants Licensed To Practice Psychology In Another Jurisdiction.

(1) Applicants who are in good standing and who are currently licensed to practice independently as a psychologist in another jurisdiction (excluding temporary, provisional or other conditional licensure) will be granted a license to practice psychology in Alabama upon meeting the following criteria:

(a) Applicants must meet the same education and training requirements as outlined in 750-X-2-.04 and 750-X-2-.07 above.

(b) Applicants must be at least 19 years of age, and of good moral character.

(c) Applicants must pass (or have previously passed) the Examination for Professional Practice in Psychology at the same passing point required of applicants for first-time licensure in Alabama at the time of the applicant's application.

(d) Applicants must pass the Professional Standards Examination required of all Alabama licensure candidates (see exception 750-X-2-.08(2) below).

(e) A license to practice psychology in Alabama will not be granted to any individual whose license to practice psychology is currently revoked or suspended in another state or who is currently under investigation or currently being disciplined for ethical violations according to the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association. Applicants currently under investigation cannot be licensed until such time they can prove to the Board that they have been cleared of all allegations of wrong doing.

~~(f) Applicants must be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.~~

(2) The Board shall issue a license to any applicant with a doctoral degree in psychology who is otherwise qualified pursuant to 750-X-2-.01, who is licensed to practice at the independent level as a psychologist in at least two states (excluding temporary, provisional or other conditional licensure) and who has passed a recognized national exam at the same passing point required of applicants for first-time licensure in Alabama at the time of the applicant's application.

(a) A license to practice psychology in Alabama will not be granted to any individual whose license to practice psychology is currently revoked or suspended in another jurisdiction or who is currently under investigation or currently being disciplined for ethical violations according to the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association. Applicants currently under investigation cannot be licensed until such time they can prove to the Board that they have been cleared of all allegations of wrong doing.

(3) The Board may also at its discretion grant a certificate without an assembled examination to any person residing or employed in the state who at the time of the application is licensed or certified by a similar board of another state whose standards, in the opinion of the board, are not lower than those required in 750-X-2-.01 and 750-X-2-.04, or who has been practicing psychology in another state and has qualifications not lower than those required in 750-X-2-.01 and 750-X-2-.04, and is able to satisfy the board that to grant him/her a license would be in the public interest, ~~or who has been certified by the American Board of Professional Psychology.~~

(4) The Board shall issue a license to an individual holding the Certificate of Professional Qualification (CPQ) in psychology issued by the Association of State and Provincial Psychology Board (ASPPB), or its successor organization. Applicants holding the CPQ in psychology issued by the ASPPB shall submit all of the following to the Board:

(a) An application for licensure and the corresponding fee.

(b) An executed criminal history information release using forms provided to the applicant by the Board and the corresponding fee.

(c) Verification form(s) from the jurisdiction(s) of licensure, verifying that licensure is current and in good standing.

(d) Verification form from the ASPPB, verifying that certification is current and in good standing.

(e) Applicants must pass the Professional Standards Examination required of all Alabama licensure candidates (see exception 750-X-2-.08(2) above).

(f) A license to practice psychology in Alabama will not be granted to any individual whose license to practice psychology is currently revoked or suspended in another jurisdiction or who is currently under investigation or currently being disciplined for ethical violations according to the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association. Applicants currently under investigation, or facing any matter that puts in question his or her competency to practice, cannot be licensed until such time they can prove to the Board that they have been cleared of all allegations of wrong doing.

(5) The Board shall issue a license to any applicant holding board certification by the American Board of Professional Psychology (ABPP) and has not within the preceding six months failed an examination given by the board. Applicants holding ABPP certification shall submit all of the following to the Board:

(a) An application for licensure and the corresponding fee.

(b) An executed criminal history information release using forms provided to the applicant by the Board and the corresponding fee.

(c) Verification form(s) from the jurisdiction(s) of licensure, verifying that licensure is current and in good standing.

(d) Verification form from the ABPP, verifying that certification is current and in good standing.

(e) Applicants must pass the Professional Standards Examination required of all Alabama licensure candidates (see exception 750-X-2-.08(2) above).

(f) A license to practice psychology in Alabama will not be granted to any individual whose license to practice psychology in another jurisdiction is currently revoked or suspended in another state or who is currently under investigation or currently being disciplined for ethical violations according to the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association. Applicants currently under investigation, or facing any matter that puts in question his or her competency to practice, cannot be licensed until such time they can prove to the Board that they have been cleared of all allegations of wrong doing.

(6) An individual who possesses a valid license to practice psychology independently at the doctoral level, by any jurisdiction recognized by the Association of State and Provincial Psychology Boards (ASPPB), may practice psychology in Alabama for no more than 30 days each calendar year without applying for a license to practice psychology in Alabama, unless otherwise exempted from licensure. This authority to practice does not apply to a psychologist who has previously been denied licensure in Alabama, or who is a legal resident of Alabama, or who intends to practice full-time or a major portion of his or her time in Alabama.

(7) An individual licensed to practice psychology in another jurisdiction who is providing services in Alabama in response to a declared disaster or state of emergency may practice psychology in Alabama for no more than 60 days per calendar year without applying for a license.

(a) The Governor must proclaim a state of emergency that has an impact on the State of Alabama for this subsection to apply to any provider of psychological services.

(b) Psychologists providing disaster or emergency services under such circumstance in Alabama must register with the Board within ten business days of entering the state by filing an Emergency Practice Registration Form with the Board office.

Author: Alabama Board of Examiners in Psychology

Statutory Authority: Code of Ala. 1975, § 34-26-1, et seq., §34-26-41

History: Filed November 5, 1987. **Amended:** Filed April 6, 1989; April 5, 1990, November 25, 1997, May 14, 1998, September 17, 2002, September 16, 2008, March 16, 2012.