

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-4-.01  
Rule Title: License Renewal  
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? Yes, unknown degree because delinquencies in renewal face a late penalty of \$20.00 per month for each month or fraction thereof that the payment is late up to two years.

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

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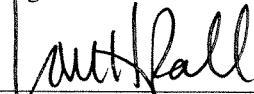
Does the proposed rule have an economic impact? Yes, only upon license renewal delinquency.

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.

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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 

Date 09/19/2013 Lori Rall, Executive Officer

(DATE FILED)  
(STAMP)

ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))

Control No. 750 Department or Agency Board of Examiners in Psychology

Rule No: 750-X-4-.01

Rule Title: License Renewal

       New   X   Amend        Repeal        Adopt by Reference

       This rule has no economic impact.

  X   This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

Rule gives the Board the authority to levy late penalties upon a licensee who is delinquent in renewing his or her license.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

Provides an incentive for licensees to renew licensure in a timely manner to maintain an active license.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Licensees cannot practice with an expired license.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Licensees cannot practice with an expired license.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Agency fees (not part of the General Fund).

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

A licensee who is delinquent in renewing his or her license faces having his or her license expire. In order to renew he or she must pay late penalties. As a public protection measure, psychologists must hold a valid, active license to practice.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

The potential late fees serve as an incentive for the licensee to maintain current, active licensure, to the benefit of public health.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

A licensee may not practice with an expired license and must maintain current licensure to practice.

**\*\*Additional pages may be used if needed.**

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

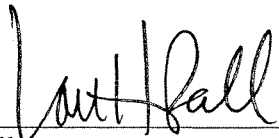
INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

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

  
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Lori Rall  
Executive Officer



License Renewal.

(a) Licensees are required to submit an annual registration renewal fee to the Board after the first initial year of licensure. License renewal consists of payment of the annual registration renewal fee, payment of the annual continuing education fee and demonstration of fulfillment of the annual continuing education requirement. As a courtesy, Annual billing a renewal notice will take place be mailed to the licensee's address of record on September August 15 of each year with payment due in 30 days by October 15. Failure to receive a renewal notice from the Board will not relieve the licensee from the renewal requirement. Renewal fees will not be accepted prior to the mailing of the renewal notifications. October 15 is the official renewal date. If payment is not received, a second statement will be issued and an additional 30 days will be allowed for payment. If payment is not received by November 15 of each year, the licensee will be notified by certified letter of delinquency. At that time the licensee will be given notice to appear before the Board to show cause as to why the licensee should not be disciplined for failure to comply with license renewal requirements. Checks drawn on insufficient funds or otherwise invalid must be replaced by a cashier's check or money order.

(b) Failure to comply with all requirements for renewal by October 15 shall result in a lapsed license. Failure to renew a license prior to October 15 will not deprive the licensee of the right to renew, but prohibits that individual from continuing to practice unless working in an exempt setting. A licensee may have his or her lapsed license reinstated upon satisfaction of the following:

- (1) Payment of annual fees in arrears. (See Appendix I, Fee Schedule)
- (2) Payment of late penalty/penalties. Any renewal fee paid after October 15 will be increased by \$20.00 for each month or fraction thereof that the payment is late.
- (3) Submission of proof of compliance with continuing education requirements.

**(4) If a psychologist or psychological technician is alleged to have violated any prohibition on professional conduct as referenced in the law, the Board, upon a hearing and proof of the violation, may deny reinstatement of the license or prohibit the psychologist or psychological technician from applying for reinstatement of licensure.**

**(5) A person who fails to renew a lapsed license within a period of two years after the date of its expiration is not eligible for reinstatement. The license may not be restored or reissued. The individual will be required to submit a new application for licensure and meet the statutory requirements in existence at time of re-application. (See Appendix I, Fee Schedule)**

**Author:** Alabama Board of Examiners in Psychology

**Statutory Authority:** Code of Ala. 1975, § 34-26-1, et seq., §34-26-22

**History:** Filed September 21, 1982. **Emergency Amendment** filed October 8, 1987. **Permanent Amendment** filed October 7, 1987. **Repealed and new rule** (same title) filed November 5, 1987. **Amended:** Filed August 4, 1988 (amendment of Appendix I "Fee Schedule"); April 5, 1990, November 25, 1997, June 8, 1999, August 27, 2003.