

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-5-.04  
Rule Title: Inquiries About Unlicensed Individuals  
New  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

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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.

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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 Lori Rall  
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

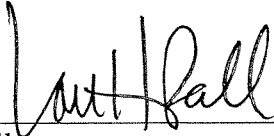
INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

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

**Inquiries About Unlicensed Individuals.**

(1) If an unlicensed individual holds him/herself out to the public as a psychologist or psychological technician or he/she engages in the practice of psychology, he or she will be considered to be engaging in illegal activity and may be prosecuted by the attorney general's office or district attorney's office.

(2) Inquiries into the practice of psychology by unlicensed individuals are initiated upon receipt of a complaint. The Board may refer to the appropriate agency for prosecution or elect to seek further information.

**(3) When the Board has evidence that any person has engaged in any act or practice constituting a violation of this chapter, or any rule or order promulgated pursuant to this chapter, the Board may bring action in the Circuit Court of Montgomery County, Alabama, to enjoin the act or practice and to enforce compliance with this chapter or any rule or order promulgated pursuant to this chapter, regardless of whether criminal proceedings have been or may be initiated. Upon a proper showing, the court may order a permanent or temporary injunction, restraining order, or a writ of mandamus.**

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

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

**History:** Rule entitled "Privileged Communication" filed September 21, 1982.

**Repealed and new rule** entitled "Disciplinary Actions Against Licensed Psychologists" filed November 5, 1987. **Repealed and new rule** entitled "Inquiries about Unlicensed Individuals" filed April 5, 1990. **Amended:** Filed November 25, 1997.