

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

1

SENATE BILL 1352*

Short Title: Amend Psychology Practice Act.

(Public)

Sponsors: Senator Parnell.

Referred to: Commerce.

May 27, 1996

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PSYCHOLOGY PRACTICE ACT AND RELATED STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-270.2 is amended by inserting a new subdivision after subdivision (7) to read:

"(7a) Licensed psychologist-masters. – An individual holding a masters or specialist degree in psychology to whom a license has been issued pursuant to the provisions of this Article, whose license is in force and not suspended or revoked, and whose license permits him or her to engage in the practice of psychology as defined in this Article."

Sec. 2. G.S. 90-270.3 reads as rewritten:

"§ 90-270.3. Practice of medicine and optometry not permitted.

Nothing in this Article shall be construed as permitting licensed psychologists, licensed psychologist-masters, or licensed psychological associates to engage in any manner in all or any of the parts of the practice of medicine or optometry licensed under Articles 1 and 6 of Chapter 90 of the General Statutes, including, among others, the diagnosis and correction of visual and muscular anomalies of the human eyes and visual apparatus, eye exercises, orthoptics, vision training, visual training and developmental vision. A licensed psychologist, licensed psychologist-masters, or licensed psychological

1 associate shall assist his or her client or patient in obtaining professional help for all
2 aspects of the client's or patient's problems that fall outside the boundaries of the
3 psychologist's own competence, including provision for the diagnosis and treatment of
4 relevant medical or optometric problems."

5 Sec. 3. G.S. 90-270.4(c) reads as rewritten:

6 "(c) Persons certified by the State Board of Education as school psychologists and
7 serving as regular salaried employees of the Department of Public Instruction or local
8 boards of education are not required to be licensed under this Article in order to perform
9 the duties for which they serve the Department of Public Instruction or local boards of
10 education, and nothing in this Article shall be construed as limiting their activities,
11 services, or titles while performing those duties for which they serve the Department of
12 Public Instruction or local boards of education. If a person certified by the State Board of
13 Education as a school psychologist and serving as a regular salaried employee of the
14 Department of Public Instruction or a local board of education is or becomes a licensed
15 psychologist or licensed psychologist-masters under this Article, he or she shall be
16 required to comply with all conditions, requirements, and obligations imposed by statute
17 or by Board rules upon all other licensed psychologists or licensed psychologist-masters
18 as a condition to retaining that license. Other provisions of this Article notwithstanding, if
19 a person certified by the State Board of Education as a school psychologist and serving as
20 a regular salaried employee of the Department of Public Instruction or a local board of
21 education is or becomes a licensed psychological associate under this Article, he or she
22 shall not be required to comply with the supervision requirements otherwise applicable to
23 licensed psychological associates by Board rules or by this Article in the course of his or
24 her regular salaried employment with the Department of Public Instruction or a local
25 board of education, but he or she shall be required to comply with all other conditions,
26 requirements, and obligations imposed by statute or a local board of education or by
27 Board rules upon all other licensed psychological associates as a condition to retaining
28 that license."

29 Sec. 4. G.S. 90-270.4(d) reads as rewritten:

30 "(d) Nothing in this Article shall be construed as limiting the activities, services,
31 and use of title designating training status of a student, intern, fellow, or other trainee
32 preparing for the practice of psychology under the supervision and responsibility of a
33 qualified psychologist in an institution of higher education or service facility, provided
34 that such activities and services constitute a part of his course of or her course of study as
35 a matriculated graduate student in psychology. For individuals pursuing postdoctoral or
36 post-masters training or experience in psychology, nothing shall limit the use of a title
37 designating training status, but the Board may develop rules defining qualified
38 supervision, disclosure of supervisory relationships, frequency of supervision, settings to
39 which trainees may be assigned, activities in which trainees may engage, qualifications
40 for trainee status, nature of responsibility assumed by the supervisor, and the structure,
41 content, and organization of postdoctoral or post-masters experience."

42 Sec. 5. G.S. 90-270.5 reads as rewritten:

1 **"§ 90-270.5. Application; examination; supervision; provisional and temporary**
2 **licenses.**

3 (a) Except as otherwise exempted by G.S. 90-270.4, persons who are qualified by
4 education to practice psychology in this State must make application for licensure to the
5 Board within 30 days of offering to practice or undertaking the practice of psychology in
6 North Carolina. Applications must then be completed for review by the Board within the
7 time period stipulated in the duly adopted rules of the Board. Persons who practice or
8 offer to practice psychology for more than 30 days without making application for
9 licensure, who fail to complete the application process within the time period specified by
10 the Board, or who are denied licensure pursuant to G.S. 90-270.11 or G.S. 90-270.15,
11 may not subsequently practice or offer to practice psychology without first becoming
12 licensed.

13 (b) After making application for licensure, applicants must take the first
14 examination to which they are admitted by the Board. If applicants fail the examination,
15 they may continue to practice psychology until they take the next examination to which
16 they are admitted by the Board. If applicants fail the second examination, they shall
17 cease the practice of psychology per G.S. 90-270.4(h), and may not subsequently practice
18 or offer to practice psychology without first reapplying for and receiving a license from
19 the Board. An applicant who does not take an examination on the date prescribed by the
20 Board shall be deemed to have failed that examination.

21 (c) All individuals who have yet to apply and who are practicing or offering to
22 practice psychology in North Carolina, and all applicants who are practicing or offering
23 to practice psychology in North Carolina, shall at all times comply with supervision
24 requirements established by the Board. The Board shall specify in its rules the format,
25 setting, content, time frame, amounts of supervision, qualifications of supervisors,
26 disclosure of supervisory relationships, the organization of the supervised experience, and
27 the nature of the responsibility assumed by the supervisor. Individuals shall be
28 supervised for all activities comprising the practice of psychology until they have met the
29 following conditions:

- 30 (1) For licensed psychologist applicants, until they have passed the
31 examination to which they have been admitted by the Board, have been
32 notified of the results, have completed supervision requirements
33 specified in subsection (d) of this section, and have been informed by
34 the Board of permanent licensure as a licensed psychologist; ~~or~~
- 35 (2) For licensed psychological associate applicants, until they have passed
36 the examination to which they have been admitted by the Board, have
37 been notified of the results, and have been informed by the Board of
38 permanent licensure as a licensed psychological associate, after which
39 time supervision is required only for those activities specified in
40 subsection (e) of this ~~section~~-section; or
- 41 (3) For licensed psychologist-masters applicants, until they have passed the
42 examination to which they have been admitted by the Board, have been
43 notified of the results, have completed supervision requirements

1 specified in subsection (e1) of this section, and have been informed by
2 the Board of permanent licensure as a licensed psychologist-masters.

3 (d) For permanent licensure as a licensed psychologist, an otherwise qualified
4 psychologist must secure two years of acceptable and appropriate supervised experience
5 germane to his or her training and intended area of practice as a psychologist. The Board
6 shall permit such supervised experience to be acquired on a less than full-time basis, and
7 shall additionally specify in its rules the format, setting, content, time frame, amounts of
8 supervision, qualifications of supervisors, disclosure of supervisory relationships, the
9 organization of the supervised experience, and the nature of the responsibility assumed
10 by the supervisor. Supervision of health services must be received from qualified
11 licensed psychologists holding health services provider certificates, or from other
12 psychologists recognized by the Board in accordance with Board rules.

13 (1) One of these years of experience shall be postdoctoral, and for this year,
14 the Board may require, as specified in its rules, that the supervised
15 experience be comparable to the knowledge and skills acquired during
16 formal doctoral or postdoctoral education, in accordance with
17 established professional standards.

18 (2) One of these years may be predoctoral and the Board shall establish
19 rules governing appropriate supervised predoctoral experience.

20 (3) A psychologist who meets all other requirements of G.S. 90-270.11(a)
21 as a licensed psychologist, except the two years of supervised
22 experience, may be issued a provisional license by the Board for the
23 practice of psychology. If the psychologist terminates the supervised
24 experience before the completion of two years, the Board may place the
25 psychologist on inactive status, during which time supervision will not
26 be required, and the practice of psychology or the offer to practice
27 psychology is prohibited. In the event a licensed psychologist issued a
28 provisional license under this subsection is placed on inactive status or
29 is completing the supervised experience on a part-time basis, the Board
30 may renew the provisional license as necessary until such time as the
31 psychologist has completed the equivalent of two years' supervised
32 experience.

33 (e) A licensed psychological associate shall be supervised by a qualified licensed
34 psychologist, or other qualified professionals, in accordance with Board rules specifying
35 the format, setting, content, time frame, amounts of supervision, qualifications of
36 supervisors, disclosure of supervisory relationships, the organization of the supervised
37 experience, and the nature of the responsibility assumed by the supervisor. A licensed
38 psychological associate who provides health services shall be supervised, for those
39 activities requiring supervision, by a qualified licensed psychologist holding health
40 services provider certification or by other qualified professionals under the overall
41 direction of a qualified licensed psychologist holding health services provider
42 certification, in accordance with Board rules. Except as provided below, supervision,
43 including the supervision of health services, is required only when a licensed

1 psychological associate engages in: assessment of personality functioning;
2 neuropsychological evaluation; psychotherapy, counseling, and other interventions with
3 clinical populations for the purpose of preventing or eliminating symptomatic,
4 maladaptive, or undesired behavior; and, the use of intrusive, punitive, or experimental
5 procedures, techniques, or measures. The Board shall adopt rules implementing and
6 defining this provision, and as the practice of psychology evolves, may identify
7 additional activities requiring supervision in order to maintain acceptable standards of
8 practice.

9 (e) For permanent licensure as a licensed psychologist-masters, an otherwise
10 qualified psychologist holding a masters or specialist degree (M.A., M.S., or Ed.S.) must
11 secure four years of acceptable and appropriate supervised experience germane to his or
12 her training and intended area of practice as a psychologist. The Board shall permit such
13 supervised experience to be acquired on a less than full-time basis, and shall additionally
14 specify in its rules the format, setting, content, time frame, amounts of supervision,
15 qualifications of supervisors, disclosure of supervisory relationships, the organization of
16 the supervision experience, and the nature of the responsibility assumed by the
17 supervisor. Supervision of health services must be received from qualified licensed
18 psychologists holding health services provider certificates, or from other psychologists
19 authorized by the Board in accordance with Board rules. All four years of supervised
20 experience must be acquired following completion of the masters degree, and graduate
21 internships will not count towards meeting this supervision requirement.

22 (f) A nonresident psychologist who is either licensed or certified by a similar
23 Board in another jurisdiction whose standards, in the opinion of the Board, are, at the date
24 of his or her certification or licensure, substantially equivalent to or higher than the
25 requirements of this Article, may be issued a temporary license by the Board for the
26 practice of psychology in this State for a period not to exceed the aggregate of 30 days in
27 any calendar year. The Board may issue temporary health services provider certification
28 simultaneously if the nonresident psychologist can demonstrate two years of acceptable
29 supervised health services experience. All temporarily licensed psychologists shall
30 comply with supervision requirements established by the Board.

31 (g) An applicant for reinstatement of licensure, whose license was suspended
32 under G.S. 90-270.15(f), may be issued a temporary license and temporary health
33 services provider certification in accordance with the duly adopted rules of the Board."

34 Sec. 6. G.S. 90-270.6 reads as rewritten:

35 **"§ 90-270.6. Psychology Board; appointment; term of office; composition.**

36 For the purpose of carrying out the provisions of this Article, there is created a North
37 Carolina Psychology Board, which shall consist of ~~seven~~nine members appointed by the
38 Governor. At all times three members shall be licensed ~~psychologists, psychologists with~~
39 a doctorate degree in psychology, ~~two~~three members shall be licensed ~~psychological~~
40 associates, psychologist-masters or licensed psychological associates, and ~~two~~three
41 members shall be members of the public who are not licensed under this Article. Each
42 member of the Board must reside in a different congressional district at the time of the
43 appointment. Due consideration shall also be given to the adequate representation of the

1 various fields and areas of practice of psychology. Terms of office shall be three years.
2 All terms of service on the Board expire June 30 in appropriate years. As the term of a
3 licensed psychologist member with a doctorate degree in psychology expires, or as a
4 ~~vacancy of a psychologist member occurs in that category~~ for any other reason, the North
5 ~~Carolina Psychological Association, or its successor, Association~~ shall, having sought the
6 advice of the chairs of the graduate departments of psychology in the State, for each
7 vacancy, submit to the Governor a list of the names of three eligible ~~persons~~ persons for
8 each vacancy. As the term of a licensed psychologist-masters or licensed psychological
9 associate expires or as a vacancy occurs in that category for any other reason, the
10 professional psychological organization representing the largest number of licensed
11 psychologist-masters and licensed psychological associates in North Carolina shall,
12 having sought the advice of the chairs of the graduate departments of psychology in the
13 State for each vacancy, submit to the Governor a list of the names of three eligible
14 persons for each vacancy. From this list—these lists the Governor shall make ~~the~~
15 ~~appointment—these appointments, each~~ for a full term, or for the remainder of the
16 unexpired term, if any. Each Board member shall serve until his or her successor has
17 been appointed. As the term of a member expires, or if one should become vacant for
18 any reason, the Governor shall appoint a new member within 60 days of the vacancy's
19 occurring. No member, either public or licensed under this Article, shall serve more than
20 three complete consecutive terms."

21 Sec. 6.1. G.S. 90-270.7(a) reads as rewritten:

22 "(a) Each licensed ~~psychologist~~ psychologist, licensed psychologist-masters, and
23 licensed psychological associate member of the Board shall have the following
24 qualifications:

- 25 (1) Shall be a resident of this State and a citizen of the United States;
- 26 (2) Shall be at the time of appointment and shall have been for at least five
27 years prior thereto, actively engaged in one or more branches of
28 psychology or in the education and training of master's, specialist,
29 doctoral, or postdoctoral students of psychology or in psychological
30 research, and such activity during the two years preceding appointment
31 shall have occurred primarily in this State.
- 32 (3) Shall be free of conflict of interest in performing the duties of the
33 Board."

34 Sec. 7. G.S. 90-270.10 reads as rewritten:

35 "**§ 90-270.10. Annual report.**

36 On June 30 of each year, the Board shall submit a report to the Governor of the
37 Board's activities since the preceding July 1, including the names of all licensed
38 ~~psychologists and psychologists, licensed psychological associates~~ psychologist-masters, and
39 licensed psychological associates to whom licenses have been granted under this Article,
40 any cases heard and decisions rendered in matters before the Board, the recommendations
41 of the Board as to future actions and policies, and a financial report. Each member of the
42 Board shall review and sign the report before its submission to the Governor. Any Board
43 member shall have the right to record a dissenting view."

1 Sec. 8. G.S. 90-270.11 reads as rewritten:

2 **"§ 90-270.11. Licensure; examination; foreign graduates.**

3 (a) Licensed Psychologist. – The Board shall issue a permanent license to practice
4 psychology to any applicant who pays an application fee and any applicable examination
5 fee as specified in G.S. 90-270.18(b), who who passes an examination in psychology as
6 prescribed by the Board, and who submits evidence verified by oath and satisfactory to
7 the Board that he or she:

8 (1) Is at least 18 years of age;

9 (2) Is of good moral character;

10 (3) Has received a doctoral degree based on a planned and directed program
11 of studies in psychology from an institution of higher education. The
12 degree program, wherever administratively housed, must be publicly
13 identified and clearly labeled as a psychology program. The Board shall
14 adopt rules implementing and defining these provisions, including, but
15 not limited to, such factors as residence in the educational program,
16 internship and related field experiences, number of course credits,
17 course content, numbers and qualifications of faculty, and program
18 identification and identity.

19 (4) Has had at least two years of acceptable and appropriate supervised
20 experience germane to his or her training and intended area of practice
21 as a psychologist as specified in G.S. 90-270.5(d).

22 (a1) Licensed Psychologist-Masters. – The Board shall issue a permanent license to
23 practice psychology to any applicant who pays an application fee and any applicable
24 examination fee as specified in G.S. 90-270.18(b), who passes an examination in
25 psychology as prescribed by the Board, and who submits evidence verified by oath and
26 satisfactory to the Board that he or she:

27 (1) Is at least 18 years of age;

28 (2) Is of good moral character;

29 (3) Has received a masters or specialist degree based on a planned and
30 directed program of studies in psychology from an institution of higher
31 education. The degree program, wherever administratively housed, must
32 be publicly identified and clearly labeled as a psychology program. The
33 Board shall adopt rules implementing and defining these provisions,
34 including, but not limited to, such factors as residence in the educational
35 program, internship and related field experiences, number of course
36 credits, course content, numbers and qualifications of faculty, and
37 program identification and identity;

38 (4) Has had at least four years of acceptable and appropriate supervised
39 experience germane to his or her training and intended area of practice
40 as a psychologist as specified in G.S. 90-270.5(e);

41 (5) Has passed the national examination in psychology at the licensed
42 psychologist passing point.

1 Notwithstanding the provisions of this subsection, the Board shall adopt rules
2 implementing a transition provision whereby any licensed psychological associate in
3 good standing may apply for a license to practice psychology as a licensed psychologist-
4 masters (M.A., M.S., or Ed.S.) if application for such is made to the Board by June 30,
5 1996. These rules shall define criteria, including, but not limited to, combinations of
6 graduate course work and years of experience that shall be deemed satisfactory to meet
7 all requirements for licensure as a licensed psychologist-masters.

8 (b) Licensed Psychological Associate. –

9 (1) The Board shall issue a permanent license to practice psychology to any
10 applicant who pays an application fee and any applicable examination
11 fee as specified in G.S. 90-270.18(b), who passes an examination in
12 psychology as prescribed by the Board, and who submits evidence
13 verified by oath and satisfactory to the Board that he or she:

- 14 a. Is at least 18 years of age;
15 b. Is of good moral character;
16 c. Has received a master's degree in psychology or a specialist
17 degree in psychology from an institution of higher education.
18 The degree program, wherever administratively housed, must be
19 publicly identified and clearly labeled as a psychology program.
20 The Board shall adopt rules implementing and defining these
21 provisions, including, but not limited to, such factors as residence
22 in the program, internship and related field experiences, number
23 of course credits, course content, numbers and qualifications of
24 faculty, and program identification and identity.

25 (2) Notwithstanding the provisions of this subsection, a licensed
26 psychologist applicant who has met all requirements for licensure
27 except passing the examination at the licensed psychologist level, may
28 be issued a license as a licensed psychological associate without having
29 a master's degree or specialist degree in psychology if the applicant
30 passes the examination at the licensed psychological associate level.

31 (c) Foreign Graduates. – Applicants trained in institutions outside the United
32 States, applying for licensure at either the licensed psychologist or licensed ~~psychological~~
33 ~~associate~~ psychologist-masters or licensed psychological associate level, must show
34 satisfactory evidence of training and degrees substantially equivalent to those required of
35 applicants trained within the United States, pursuant to Board rules and regulations.

36 (d) Prior Licensure. – A person who is licensed in good standing as a licensed
37 practicing psychologist or psychological associate under the provisions of the Practicing
38 Psychologist Licensing Act in effect immediately prior to the ratification of this
39 Psychology Practice Act shall be deemed, as of October 1, 1993 to have met all
40 requirements for licensure under this act and shall be eligible for renewal of licensure in
41 accordance with the provisions of this act."

42 Sec. 9. G.S. 90-270.15(a)(9) reads as rewritten:

1 "(9) For a licensed ~~psychologist, psychologist or psychologist-masters,~~ psychologist, has
2 provided health services without health services provider certification;"

3 Sec. 10. G.S. 90-270.16(a) reads as rewritten:

4 "(a) Except as permitted in G.S. 90-270.4 and G.S. 90-270.5, it shall be a violation
5 of this Article for any person not licensed in accordance with the provisions of this
6 Article to represent himself or herself as a psychologist, licensed psychologist, licensed
7 psychological associate, licensed psychologist-masters, or health services provider in
8 psychology."

9 Sec. 11. G.S. 90-270.18(b) reads as rewritten:

10 "(b) Fees for activities specified by this Article are as follows:

11 (1) Application fees for licensed ~~psychologists and psychologists,~~ licensed
12 psychological associates-psychologist-masters, and licensed psychological
13 associates per G.S. 90-270.11(a) and (b)(1), or G.S. 90-270.13, shall not
14 exceed one hundred dollars (\$100.00).

15 (2) Fees for the national written examination shall be the cost of the
16 examination to the Board plus an additional fee not to exceed fifty
17 dollars (\$50.00).

18 (3) Fees for additional examinations shall be as prescribed by the Board.

19 (4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not
20 exceed two hundred fifty dollars (\$250.00) per biennium. This fee may
21 not be prorated.

22 (5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be twenty-
23 five dollars (\$25.00).

24 (6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall not
25 exceed one hundred dollars (\$100.00).

26 (7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be twenty-five
27 dollars (\$25.00).

28 (8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g), shall
29 be twenty-five dollars (\$25.00).

30 (9) Application fees for a health services provider certificate, per G.S. 90-
31 270.20, shall be fifty dollars (\$50.00)."

32 Sec. 12. G.S. 90-270.20 reads as rewritten:

33 **"§ 90-270.20. Provision of health services; certification as health services provider.**

34 (a) Health services, as defined in G.S. 90-270.2(4) and G.S. 90-270.2(8), may be
35 provided by qualified licensed psychological associates, qualified licensed psychologist-
36 masters, qualified licensed psychologists holding provisional, temporary, or permanent
37 licenses, or qualified applicants. Qualified licensed psychological associates, qualified
38 licensed psychologist-masters holding temporary licenses, qualified licensed
39 psychologists holding provisional or temporary licenses, or qualified applicants may
40 provide health services only under supervision as specified in the duly adopted rules of
41 the Board.

42 (b) After January 1, 1995, any licensed psychologist who is qualified by education,
43 who holds permanent licensure and a doctoral degree, and who provides or offers to

1 provide health services to the public must be certified as a health services provider
2 psychologist (HSP-P) by the Board. The Board shall certify as health services provider
3 psychologists those applicants who shall demonstrate at least two years of acceptable
4 supervised health services experience, of which at least one year is postdoctoral. The
5 Board shall specify the format, setting, content, and organization of the supervised health
6 services experience or program. The Board may, upon verification of supervised
7 experience and the meeting of all requirements as a licensed psychologist, issue the
8 license and certificate simultaneously. An application fee, as specified in G.S. 90-
9 270.18(b)(9), must be paid.

10 (b1) After June 30, 1996, any licensed psychologist-masters who is qualified by
11 education, who holds permanent licensure and a masters or specialist degree, and who
12 provides or offers to provide health services to the public must be certified as a health
13 services provider psychologist-masters (HSP-PM) by the Board. The Board shall certify
14 as health services providers those applicants who shall demonstrate at least two years of
15 acceptable supervised health services experience, of which all is post-masters. The Board
16 shall specify the format, setting, content, and organization of the supervised health
17 services experience or program. The Board may, upon verification of supervised
18 experience and the meeting of all the requirements as a psychologist-masters, issue the
19 license and certificate simultaneously. An application fee, as specified in G.S. 90-
20 270.18(b)(9), must be paid.

21 (c) After January 1, 1995, any licensed psychological associate who is qualified by
22 education may be granted certification as a health services provider psychological
23 associate (HSP-PA). The Board may, upon verification of qualifications and the meeting
24 of all requirements as a licensed psychological associate, issue the license and certificate
25 simultaneously. An application fee, as specified in G.S. 90-270.18(b)(9), must be paid.

26 (d) After January 1, 1995, any licensed psychologist holding a provisional license
27 who is qualified by education may be granted certification as a health services provider
28 psychologist (provisional) (HSP-PP) by the Board. The Board may, upon verification of
29 qualifications and the meeting of all requirements for a provisional license, issue the
30 license and certificate simultaneously. An application fee, as specified in G.S. 90-
31 270.18(b)(9), must be paid.

32 ~~(e) Notwithstanding the provisions of subsection (b) of this section, if application~~
33 ~~is made to the Board before June 30, 1994, by a licensed psychologist who is listed in the~~
34 ~~National Register of Health Services Providers in Psychology, or who holds permanent~~
35 ~~licensure and who can demonstrate that he or she has been engaged acceptably in the~~
36 ~~provision of health services for two years or its equivalent, that licensed psychologist~~
37 ~~shall be certified as a health services provider psychologist. The applicant, in order to~~
38 ~~demonstrate two years of acceptable experience or its equivalent, must meet one of the~~
39 ~~following conditions:~~

- 40 (1) ~~The applicant is a diplomate in good standing of the American Board of~~
41 ~~Professional Psychology in any of the areas of professional practice~~
42 ~~deemed appropriate by the Board;~~

1 (2) ~~The applicant has the equivalent of two years of acceptable full-time~~
2 ~~experience, one of which was postdoctoral, at sites where health~~
3 ~~services are provided;~~

4 (3) ~~The applicant submits evidence satisfactory to the Board demonstrating~~
5 ~~that he or she has been engaged acceptably for the equivalent of at least~~
6 ~~two years full-time in the provision of health services; or~~

7 (4) ~~Any other conditions that the Board may deem acceptable.~~

8 (f) ~~Notwithstanding the provisions of subsection (e) of this section, if application~~
9 ~~is made to the Board before June 30, 1994, by a licensed psychological associate who can~~
10 ~~demonstrate that he or she has been engaged acceptably in the provision of health~~
11 ~~services under supervision for two years or its equivalent, that licensed psychological~~
12 ~~associate shall be certified as a health services provider psychological associate.~~

13 (g) The Board shall have the authority to deny, revoke, or suspend the health
14 services provider certificate issued pursuant to these subsections upon a finding that the
15 psychologist has not behaved in conformity with the ethical and professional standards
16 prescribed in G.S. 90-270.15."

17 Sec. 13. G.S. 58-50-30(b) reads as rewritten:

18 "(b) For the purposes of this section, a 'duly licensed psychologist' shall be defined
19 only to include a psychologist who is duly licensed in the State of North Carolina and has
20 a doctorate degree in psychology and at least two years clinical experience in a
21 recognized health setting, or has met the standards of the National Register of Health
22 Service Providers in Psychology. After January 1, 1995, a duly licensed psychologist
23 shall be defined as a licensed psychologist or a licensed psychologist-masters who holds
24 permanent licensure and certification as a health services provider psychologist or health
25 services provider psychologist-masters issued by the North Carolina Psychology Board."

26 Sec. 14. G.S. 58-65-1(c) reads as rewritten:

27 "(c) For purposes of this section, an 'advanced practice registered nurse' means only
28 a registered nurse who is duly licensed or certified as a nurse practitioner, clinical
29 specialist in psychiatric and mental health nursing, or nurse midwife.

30 For the purposes of this section, a 'duly certified clinical social worker' is a 'certified
31 clinical social worker' as defined in G.S. 90B-3(2) and certified by the North
32 Carolina Certification Board for Social Work pursuant to Chapter 90B of the General
33 Statutes.

34 For the purposes of this section, a 'duly licensed psychologist' shall be defined only to
35 include a psychologist who is duly licensed in the State of North Carolina and has a
36 doctorate degree in psychology and at least two years clinical experience in a recognized
37 health setting, or has met the standards of the National Register of Health Providers in
38 Psychology. After January 1, 1995, a duly licensed psychologist shall be defined as a
39 licensed psychologist or licensed psychologist-masters who holds permanent licensure
40 and certification as a health services provider psychologist or health services provider
41 psychologist-masters issued by the North Carolina Psychology Board.

42 The term 'dental service plan' as used in this Article and Article 66 of this Chapter
43 includes contracting for the payment of fees toward, or furnishing of dental and/or any

1 other professional services authorized or permitted to be furnished by a duly licensed
2 dentist.

3 The insured or beneficiary of every 'medical service plan' and of every 'dental service
4 plan,' as those terms are used in this Article and Article 66 of this Chapter, or of any
5 policy of insurance issued thereunder, that includes services which are within the scope
6 of practice of both a duly licensed physician and a duly licensed dentist shall have the
7 right to choose the provider of such care or service, and shall be entitled to payment of or
8 reimbursement for such care or service, whether the provider be a duly licensed physician
9 or a duly licensed dentist notwithstanding any provision to the contrary contained in any
10 such plan or policy.

11 The term 'hospital service corporation' as used in this Article and Article 66 of this
12 Chapter is intended to mean any nonprofit corporation operating a hospital and/or
13 medical and/or dental service plan, as herein defined. Any corporation heretofore or
14 hereafter organized and coming within the provisions of this Article and Article 66 of this
15 Chapter, the certificate of incorporation of which authorizes the operation of either a
16 hospital or medical and/or dental service plan, or any or all of them, may, with the
17 approval of the Commissioner of Insurance, issue subscribers' contracts or certificates
18 approved by the Commissioner of Insurance, for the payment of either hospital or
19 medical and/or dental fees, or the furnishing of such services, or any or all of them, and
20 may enter into contracts with hospitals for physicians and/or dentists, or any or all of
21 them, for the furnishing of fees or services respectively under a hospital or medical
22 and/or dental service plan, or any or all of them.

23 The term 'preferred provider' as used in this Article and Article 66 of this Chapter
24 with respect to contracts, organizations, policies or otherwise means a health care service
25 provider who has agreed to accept, from a corporation organized for the purposes
26 authorized by this Article and Article 66 of this Chapter or other applicable law, special
27 reimbursement terms in exchange for providing services to beneficiaries of a plan
28 administered pursuant to this Article and Article 66 of this Chapter. Except to the extent
29 prohibited either by G.S. 58-65-140 or by regulations promulgated by the Department of
30 Insurance not inconsistent with this Article and Article 66 of this Chapter, the contractual
31 terms and conditions for special reimbursement shall be those which the corporation and
32 preferred provider find to be mutually agreeable."

33 Sec. 15. G.S. 58-65-75(d) reads as rewritten:

34 "(d) Provisions for benefits for necessary care and treatment of chemical
35 dependency in group certificates or group contracts shall provide for benefit payments for
36 the following providers of necessary care and treatment of chemical dependency:

- 37 (1) The following units of a general hospital licensed under Article 5 of
38 General Statutes Chapter 131E:
- 39 a. Chemical dependency units in facilities licensed after October 1,
40 1984;
 - 41 b. Medical units;
 - 42 c. Psychiatric units; and

- 1 (2) The following facilities or programs licensed after July 1, 1984, under
2 Article 2 of General Statutes Chapter 122C:
3 a. Chemical dependency units in psychiatric hospitals;
4 b. Chemical dependency hospitals;
5 c. Residential chemical dependency treatment facilities;
6 d. Social setting detoxification facilities or programs;
7 e. Medical detoxification facilities or programs; and
8 (3) Duly licensed physicians and duly licensed psychologists and certified
9 professionals working under the direct supervision of such physicians or
10 psychologists in facilities described in (1) and (2) above and in
11 day/night programs or outpatient treatment facilities licensed after July
12 1, 1984, under Article 2 of General Statutes Chapter 122C. ~~After~~
13 ~~January 1, 1995, "duly licensed psychologists" shall be defined as licensed~~
14 ~~psychologists who hold permanent licensure and certification as health~~
15 ~~services provider psychologist issued by the North Carolina Psychology~~
16 ~~Board. After January 1, 1995, a 'duly licensed psychologist' shall be~~
17 defined as a licensed psychologist or a licensed psychologist-masters
18 who holds permanent licensure and certification as a health services
19 provider psychologist or health services provider psychologist-masters
20 issued by the North Carolina Psychologist Board.

21 Provided, however, that nothing in this subsection shall prohibit any certificate or
22 contract from requiring the most cost effective treatment setting to be utilized by the
23 person undergoing necessary care and treatment for chemical dependency."

24 Sec. 16. G.S. 122C-3(13b) reads as rewritten:

25 "(13b) 'Eligible psychologist' means a licensed psychologist who has at least
26 two years' clinical experience. After January 1, 1995, 'eligible
27 psychologist' means a licensed psychologist or a licensed psychologist-
28 masters who holds permanent licensure and certification as a health
29 services provider psychologist or health services provider psychologist-
30 masters issued by the North Carolina Psychology Board."

31 Sec. 17. G.S. 135-40.7A(c) reads as rewritten:

32 "(c) Notwithstanding any other provision of this Part, provisions for benefits for
33 necessary care and treatment of chemical dependency under this Part shall provide for
34 benefit payments for the following providers of necessary care and treatment of chemical
35 dependency:

- 36 (1) The following units of a general hospital licensed under Article 5 of
37 General Statutes Chapter 131E:
38 a. Chemical dependency units in facilities licensed after October 1,
39 1984;
40 b. Medical units;
41 c. Psychiatric units; and
42 (2) The following facilities licensed after July 1, 1984, under Article 2 of
43 General Statutes Chapter 122C:

- 1 a. Chemical dependency units in psychiatric hospitals;
- 2 b. Chemical dependency hospitals;
- 3 c. Residential chemical dependency treatment facilities;
- 4 d. Social setting detoxification facilities or programs;
- 5 e. Medical detoxification facilities or programs; and
- 6 (3) Duly licensed physicians and duly licensed practicing psychologists,
- 7 duly licensed psychologist-masters, certified clinical social workers,
- 8 certified clinical specialists in psychiatric and mental health nursing,
- 9 and certified professionals working under the direct supervision of such
- 10 physicians or psychologists in facilities described in (1) and (2) above
- 11 and in day/night programs or outpatient treatment facilities licensed
- 12 after July 1, 1984, under Article 2 of General Statutes Chapter 122C.

13 Provided, however, that nothing in this subsection shall prohibit the Plan from requiring
14 the most cost effective treatment setting to be utilized by the person undergoing
15 necessary care and treatment for chemical dependency."

16 Sec. 18. G.S. 135-40.7B(c) reads as rewritten:

17 "(c) Notwithstanding any other provisions of this Part, the following providers are
18 authorized to provide necessary care and treatment for mental illness under this section:

- 19 (1) Licensed psychiatrists;
- 20 (2) Licensed or certified doctors of psychology;
- 21 (3) Certified clinical social workers;
- 22 (4) Psychiatric nurses;
- 23 (5) Other social workers under the direct employment and supervision of a
- 24 licensed psychiatrist or licensed doctor of psychology;
- 25 (6) Psychological associates with a master's degree in psychology under the
- 26 direct employment and supervision of a licensed psychiatrist or licensed
- 27 or certified doctor of psychology;
- 28 (6.1) Duly licensed psychologist-masters who hold permanent licensure and
29 certification as health service provider psychologist-masters issued by
30 the North Carolina Psychology Board;
- 31 (7) Licensed psychiatric hospitals and licensed general hospitals providing
32 psychiatric treatment programs; and
- 33 (8) Certified residential treatment facilities, community mental health
34 centers, and partial hospitalization facilities."

35 Sec. 19. The initial terms of the two additional members of the North Carolina
36 Psychology Board added by Section 6 of this act shall commence upon the ratification of
37 this act and shall end on June 30 of the third calendar year after the year in which the act
38 is ratified.

39 Sec. 20. This act is effective upon ratification.