

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Psychologist licensure.

Sponsored by: Select Committee on Mental Health and
Substance Abuse Services

A BILL

for

1 AN ACT relating to the Wyoming state board of psychology;
2 amending the psychologists licensing act; providing for
3 application of licensing act; removing separate licensing
4 requirements related to school psychologists; revising the
5 composition of the state board of psychology as specified;
6 providing for issuance of temporary licenses to practice
7 psychology as specified; revising the grounds and
8 evidentiary standard for disciplinary actions as specified;
9 authorizing the state board to employ specified personnel;
10 amending and adding definitions; and providing for an
11 effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

1

2 **Section 1.** W.S. 33-27-113(a)(iii)(intro), by creating
3 new subparagraphs (E) through (J), (v), (vi), (viii)(A),
4 (B), by creating new paragraphs (x) through (xii), by
5 renumbering (x) as (xiii) and by creating a new subsection
6 (b), 33-27-114(a), (d), (e)(iii)(intro), (f)(intro), (ii)
7 and by creating a new subsection (g), 33-27-115(a),
8 33-27-116(a) and by creating a new subsection (n),
9 33-27-117(a) through (c) and by creating a new subsection
10 (e), 33-27-119(a), (b) and (d), 33-27-120(a), (b)(intro),
11 (i), (iii), (iv), (v), (ix), (x), (xi), (xiii) and (xvii),
12 33-27-122(a), (e), (f), (g), (h)(intro) and (iii) and
13 33-27-123(a)(intro), (iii), (iv) and (v) are amended to
14 read:

15

16 **33-27-113. Definitions.**

17

18 (a) As used in this act:

19

20 (iii) "Practice of psychology" means: ~~the~~
21 ~~observation, description, evaluation, interpretation and~~
22 ~~modification of human behavior by the application of~~
23 ~~psychological principles, methods and procedures, for the~~
24 ~~purpose of preventing or eliminating symptomatic,~~

1 ~~maladaptive or undesired behavior and of enhancing~~
2 ~~interpersonal relationships, work and life adjustment,~~
3 ~~personal effectiveness, behavioral health and mental~~
4 ~~health. Psychological services may be rendered to~~
5 ~~individuals, families, groups and the public. The practice~~
6 ~~of psychology shall be construed within the meaning of this~~
7 ~~definition without regard to whether payment is received~~
8 ~~for services rendered. The practice of psychology~~
9 ~~includes, but is not limited to:~~

10
11 (E) Assessment of individual, family or
12 group behavioral, emotional or intellectual functioning for
13 one (1) or more of the following purposes:

14
15 (I) Diagnosing mental disorders;

16
17 (II) Identifying psychological or
18 neuropsychological aspects of other dysfunctions, diseases
19 or disabilities;

20
21 (III) Evaluating mental or emotional
22 status, including intelligence and aptitude;

23

1 (IV) Identifying personality
2 characteristics;

3
4 (V) Identifying psychological factors
5 influencing well-being;

6
7 (VI) Selecting, placing or referring
8 into treatments, programs or settings;

9
10 (VII) Evaluating the effectiveness of
11 psychological treatments, programs or settings;

12
13 (VIII) Preventing, by the application
14 of psychological principles, methods and procedures, mental
15 disorders or maladaptive behavior related to other
16 dysfunction, disease or disability.

17
18 (F) Engaging in a therapeutic relationship
19 with an individual, family or group for one (1) or more of
20 the following purposes:

21
22 (I) Improving the quality of mental
23 health or social adjustment;

24

1 (II) Reducing, preventing, modifying
2 or eliminating maladaptive or undesired behaviors,
3 cognitions, emotions or psychological or physical
4 characteristics;

5
6 (III) Treating diagnosed mental
7 disorders by the application of psychological principles,
8 methods and procedures;

9
10 (IV) Improving individual performance;

11
12 (V) Modifying cognitions, emotions or
13 behaviors, or any combination of these, in order to
14 influence psychological well-being; or

15
16 (VI) Psychological research.

17
18 (G) Engaging in a psychological consulting
19 relationship with an individual, organization, group or
20 community, or any combination of these, for the purpose of:

21
22 (I) Designing or delivering
23 psychological programs or services;

24

1 (II) Evaluating psychological programs
2 or services; or

3
4 (III) Providing psychological
5 supervision to other psychologists, trainees or other staff
6 members of the psychologist offering psychological
7 services.

8
9 (H) Evaluation, diagnosis, or test
10 interpretation including assessment of intellectual
11 ability, learning patterns, achievement, motivation,
12 personality or neurological factors directly related to
13 learning problems in an educational setting;

14
15 (J) Counseling services for children or
16 adults for amelioration or prevention of educationally
17 related learning problems.

18
19 (v) "Psychologist" means a person licensed to
20 practice psychology under this act;

21
22 (vi) "Representation as a psychologist" ~~or~~
23 ~~school psychologist"~~ means using any title or description
24 of services incorporating the words psychology,

1 psychologic, psychological or psychologist or any other
 2 term that implies that a person is trained, experienced or
 3 an expert in the field of psychology;

4

5 (viii) "Sexual exploitation of a client or
 6 patient" means:

7

8 (A) Any ~~verbal behavior~~ offer by a
 9 psychologist ~~or school psychologist which involves offers~~
 10 ~~of to~~ exchange ~~of~~ professional services for some form of
 11 sexual gratification; or

12

13 (B) ~~Unlawful or unprofessional~~ Sexual
 14 contact with a client or patient.

15

16 (x) "Assessment" means applying psychological
 17 principles, methods or procedures in observation,
 18 description, testing, appraisal, evaluation, screening,
 19 test interpretation, interviewing, diagnosis of mental
 20 disorders, neuropsychological testing, psychological
 21 testing or evaluation, psycho-educational testing or
 22 evaluation or any combination of these;

23

1 (xi) "Psychological consulting relationship"
2 means the application of psychological principles, methods
3 or procedures in consulting, intervention, program
4 evaluation, organizational psychology, environmental
5 psychology, community psychology, experimental psychology
6 or any combination of these;

7
8 (xii) "Therapeutic relationship" means the
9 application of psychological principles, methods or
10 procedures in psychotherapy, psychoanalysis, therapy,
11 family therapy, marital therapy, couples therapy, play
12 therapy, counseling, rehabilitation, intervention,
13 hypnotherapy, biofeedback, behavior therapy, behavior
14 modification, psychological counseling, human potential
15 psychology, vocational counseling, school counseling,
16 growth psychology, alcohol or substance abuse counseling,
17 remediation or any combination of these;

18
19 ~~(*)~~(xiii) "This act" means W.S. 33-27-113
20 through 33-27-123.

21
22 (b) A person not otherwise exempt from this act is
23 engaged in the practice of psychology when performing any
24 of the activities enumerated in paragraph (a)(iii) of this

1 section and when representing himself as a psychologist,
2 without regard to whether payment is received for services
3 rendered.

4
5 **33-27-114. Exemptions.**

6
7 (a) Nothing in this act shall be construed to prevent
8 members of other recognized professions who are licensed,
9 certified or regulated under the laws of this state as
10 defined in the rules and regulations from rendering
11 services consistent with their professional training and
12 code of ethics, provided that they do not represent
13 themselves to be psychologists. ~~or school psychologists.~~

14
15 (d) Nothing in this act shall be construed to prevent
16 the teaching of psychology, the conducting of psychological
17 research, or the provision of industrial or organizational
18 consultation provided that such teaching, research or
19 consultation does not ~~involve the delivery or supervision~~
20 ~~of direct psychological services to individuals who are~~
21 ~~themselves rather than a third party the intended~~
22 ~~beneficiaries of the services without regard to the source~~
23 ~~or extent of payment for services rendered~~ constitute the
24 practice of psychology. Nothing in this act shall prevent

1 the provision of expert testimony by psychologists who are
2 exempted by this act. Persons holding an earned doctoral
3 degree in psychology from an institution of higher
4 education may use the title "psychologist" in conjunction
5 with the activities permitted in this subsection.

6

7 (e) Nothing in this act shall be construed to prevent
8 the persons described in this subsection from engaging in
9 activities defined as the practice of psychology, provided
10 that the persons shall not represent themselves by the
11 title "psychologist." The persons may use the terms
12 "psychological trainee," "psychological intern,"
13 "psychological resident" or "psychological practitioner"
14 and shall perform their activities under the supervision
15 and responsibility of a licensed psychologist in accordance
16 with the rules promulgated by the board. This subsection
17 shall only apply to:

18

19 (iii) A qualified practitioner holding a ~~masters~~
20 master's degree or doctoral degree in psychology from a
21 program approved by the board while working under the
22 supervision of a licensed psychologist. The board, in its
23 rules and regulations, shall establish:

24

1 (f) Nothing in this act shall be construed to prevent
2 specialists in school psychology from engaging in
3 activities defined as the practice of school psychology,
4 provided that they shall not represent themselves by the
5 title "school psychologist." These persons may perform
6 their activities under the supervision and responsibility
7 of a psychologist ~~or school psychologist~~ in accordance with
8 the rules promulgated by the board. The board, in its
9 rules and regulations, shall establish:

10
11 (ii) The number of specialists that a
12 psychologist ~~or school psychologist~~ may employ;

13
14 (g) Nothing in this act may be construed to require
15 employees or contractors of a state agency to be licensed
16 under this act in order to perform their official duties
17 related to the evaluation, auditing or designing of
18 programs, provided those employees or contractors do not
19 hold themselves out to be psychologists.

20
21 **33-27-115. State board of psychology.**

22
23 (a) The Wyoming state board of psychology shall
24 consist of ~~five (5)~~ six (6) licensed psychologists, ~~one (1)~~

1 ~~school psychologist,~~ one (1) psychological practitioner and
2 two (2) public members appointed by the governor. Each
3 member shall be a resident of this state. Each member who
4 is a psychologist ~~or school psychologist~~ shall be licensed
5 under this act and shall have a minimum of three (3) years
6 of post-licensure experience. ~~7 except the first school~~
7 ~~psychologist shall have a minimum of five (5) years~~
8 ~~professional experience.~~ At least one (1) member who is a
9 psychologist shall be engaged full time in the doctoral
10 teaching and training of psychologists, and at least two
11 (2) members who are psychologists shall be engaged full
12 time in the professional practice of psychology. The
13 ~~initial~~ psychological practitioner shall have a minimum of
14 ~~five (5) years of professional experience and each~~
15 ~~succeeding psychological practitioner member shall have a~~
16 ~~minimum of~~ three (3) years post-certification experience.
17 The composition of the board shall represent both the
18 public and private sectors of the practice of psychology.
19 Public members shall not be psychologists, ~~school~~
20 ~~psychologists,~~ psychological practitioners, applicants or
21 former applicants for licensure or certification under this
22 act, members of another health profession, or members of a
23 household that includes a person licensed or certified
24 under this act. Board members shall be appointed who are

1 free from conflict of interest in performing the duties of
2 the board.

3

4 **33-27-116. Powers and duties of the board.**

5

6 (a) In accordance with this act and rules and
7 regulations promulgated under it, the board shall determine
8 a person's initial and continuing qualifications and
9 fitness to practice psychology, ~~or school psychology,~~
10 proceed against the unlawful and unlicensed practice of
11 psychology ~~or school psychology~~ and otherwise enforce this
12 act. ~~The board may employ necessary personnel.~~

13

14 (n) The board may employ or contract with an
15 executive secretary and other necessary staff. The
16 executive secretary shall not be a member of the board. The
17 board may set the salary for the executive secretary.

18

19 **33-27-117. Requirements for licensure.**

20

21 (a) The board shall issue a license as a psychologist
22 ~~or school psychologist, as appropriate,~~ to any applicant
23 who files an application upon a form and in a manner as
24 prescribed by the board, accompanied by the appropriate fee

1 and who furnishes satisfactory evidence to the board of the
2 following which evidence shall comply with rules and
3 regulations of the board:

4
5 (i) The ~~applicant submits evidence as the board~~
6 ~~deems desirable with due regard to the paramount interests~~
7 ~~of the public regarding his~~ applicant's honesty,
8 truthfulness, integrity and competency;

9
10 (ii) The ~~applicant possesses~~ applicant's receipt
11 of a doctoral degree from a program of graduate study in
12 psychology as defined in the rules and regulations, awarded
13 by an institution of higher education;

14
15 (iii) The ~~applicant demonstrates that he has~~
16 ~~completed two (2) years of supervised professional~~
17 ~~experience, one (1) year of which shall be predoctoral, and~~
18 ~~one (1) year of which shall be postdoctoral~~ applicant's
19 completion of one (1) year of predoctoral supervised
20 experience;

21
22 (iv) The ~~applicant has passed~~ applicant's
23 successful completion of the examination for professional
24 practice in psychology ~~or the national school psychology~~

1 ~~examination,~~ and any other written or oral examinations
2 prescribed by the board. The acceptable level of
3 performance for all examinations and policies regarding
4 reexamination of failed applicants shall be determined by
5 the board.

6
7 (b) The board may waive any examination if a
8 psychologist ~~or school psychologist~~ has been licensed in
9 another jurisdiction and if the requirements for licensure
10 in that jurisdiction are equal to, or exceed, the
11 requirements for licensure in this ~~jurisdiction~~ state.

12
13 (c) A person licensed as a psychologist or school
14 psychologist in this state on June 30, ~~1993~~ 2008 shall be
15 deemed to have met all requirements for licensure under
16 this act and shall be eligible for renewal of licensure as
17 a psychologist in accordance with this act.

18
19 (e) The board may issue a temporary license to an
20 applicant who is licensed or certified by a board of
21 psychology of another United States state or territory, or
22 of a foreign country or province whose standards are equal
23 to or exceed the requirements for licensure as a
24 psychologist in this state. A temporary licensee may offer

1 services as a psychologist in this state for not more than
2 thirty (30) working days in any year without holding a
3 permanent license issued under this act. The temporary
4 licensee shall report the nature and extent of the
5 licensee's practice in this state to the board if that
6 practice exceeds twenty (20) working days in any one (1)
7 calendar year.

8
9 **33-27-119. Practice without license.**

10
11 (a) No person who is not licensed under this act
12 shall:

13
14 (i) Represent himself as a psychologist; or
15 ~~school psychologist; or~~

16
17 (ii) Represent himself as a psychologist and
18 engage in the practice of psychology ~~or school psychology~~
19 as defined in this act unless exempted in W.S. 33-27-114.

20
21 (b) Unless exempt under W.S. 33-27-114, any person
22 who represents himself as a psychologist or ~~school~~
23 ~~psychologist or~~ who engages in the practice of psychology
24 ~~or school psychology~~ in violation of this act, is guilty of

1 a misdemeanor punishable by a fine of not more than seven
2 hundred fifty dollars (\$750.00), imprisonment for not more
3 than six (6) months, or both. Each violation shall
4 constitute a separate offense.

5
6 (d) No person whose license to practice as a
7 psychologist ~~or school psychologist~~ in any jurisdiction has
8 been suspended or revoked shall practice psychology ~~or~~
9 ~~school psychology~~ in this state. The board may suspend or
10 revoke the license of that person. The board may issue a
11 new license whenever it deems the issuance to be safe and
12 just.

13

14 **33-27-120. Grounds for denial, suspension or**
15 **revocation of license and other disciplinary sanctions.**

16

17 (a) A psychologist ~~or school psychologist~~ and anyone
18 under his supervision shall conduct his professional
19 activities in conformity with ethical and professional
20 standards promulgated by the board under its rules and
21 regulations.

22

23 (b) The board may suspend, place on probation,
24 require remediation for a specified time to be determined

1 at the discretion of the board, restrict or revoke any
2 license to practice psychology, ~~or school psychology,~~ deny
3 an application for licensure, or take any other action
4 specified in the rules and regulations whenever the board
5 shall find by ~~a preponderance of the~~ clear and convincing
6 evidence, following a hearing conducted by the board
7 pursuant to this act, that the psychologist, ~~school~~
8 ~~psychologist~~ or applicant has engaged in conduct prohibited
9 by this act, rules or regulations promulgated by the board,
10 or in any of the following acts or offenses:

11

12 (i) Fraud in applying for or procuring a license
13 to practice psychology; ~~or school psychology;~~

14

15 (iii) Practicing psychology ~~or school psychology~~
16 in a manner which endangers the welfare of clients or
17 patients;

18

19 (iv) Conviction of a felony that interferes with
20 the ability to practice psychology ~~or school psychology~~ as
21 defined in the rules and regulations;

22

23 (v) Conviction, ~~including a plea of nolo~~
24 ~~contendere, to~~ of any felony or conviction ~~or plea of nolo~~

1 ~~contendere to~~ of any crime or offense that reflects the
2 inability of the practitioner to practice with due regard
3 for the health and safety of clients or patients. A copy
4 of the conviction certified by the clerk of the court
5 entering the conviction is conclusive evidence of the
6 conviction;

7

8 (ix) Malpractice or negligence in the practice
9 of psychology; ~~or school psychology;~~

10

11 (x) Aiding or abetting the practice of
12 psychology ~~or school psychology~~ by a person not licensed by
13 the board;

14

15 (xi) ~~Conviction of~~ Fraud in filing medicare or
16 medicaid claims or in filing claims to any third party
17 payor;

18

19 (xiii) The suspension or revocation by another
20 state of a license to practice psychology; ~~or school~~
21 ~~psychology;~~

22

23 (xvii) Inability to practice psychology ~~or~~
24 ~~school psychology~~ with reasonable skill and safety to

1 patients or clients by reason of illness, inebriation,
2 misuse of drugs, narcotics, alcohol, chemicals or any other
3 substance or as a result of any mental or physical
4 condition.

5

6 **33-27-122. Board hearings and investigations.**

7

8 (a) The board may investigate or cause to be
9 investigated any allegation or evidence that appears to
10 show that a psychologist ~~or school psychologist~~ licensed to
11 practice in this jurisdiction, and anyone under his
12 supervision is, or may be, in violation of this act or of
13 any of the rules and regulations adopted by the board.

14

15 (e) The board may conduct a default hearing if, after
16 due notice, the individual fails or ~~refused~~ refuses to
17 appear. The board shall have the authority to issue
18 subpoenas for production of documents and witnesses and to
19 administer oaths. The board may apply to a court of
20 competent jurisdiction to compel compliance with a
21 subpoena.

22

23 (f) A psychologist ~~or school psychologist~~ may
24 surrender his license when he is charged with unethical

1 ~~conduct~~ any violation of this act or board rules and
2 regulations, and such surrender and acceptance by the board
3 shall constitute acknowledgment by the person as an
4 admission of guilt as charged. The circumstances of the
5 surrender shall be reported in the same fashion as a
6 revocation action.

7
8 (g) A psychologist ~~or school psychologist~~ may request
9 in writing to the board that a restriction be placed upon
10 his license to practice. The board, in its discretion, may
11 accept a surrender or grant a request for restriction and
12 shall have the authority to attach restrictions to the
13 license to practice within this state or otherwise to
14 discipline the licensee.

15
16 (h) Subsequent to the holding of a hearing and the
17 taking of evidence by the board as provided for in this
18 section, if a majority of the board finds that a
19 psychologist ~~or school psychologist~~ is in violation of this
20 act or guilty of any of the acts, offenses or conditions as
21 enumerated by the board, the following actions may be
22 taken:

23

1 (iii) The board may impose revocation or
2 suspension of a license, but suspend enforcement thereof by
3 placing the psychologist ~~or school psychologist~~ on
4 probation, which probation shall be revocable if the board
5 finds the conditions of the probation order are not being
6 followed. As a condition of probation the board may
7 require the psychologist ~~or school psychologist~~ to submit
8 to care, counseling or treatment by a professional
9 designated by the board. The expense of the action shall
10 be borne by the probationer. The board may at any time
11 modify the conditions of the probation and may include
12 among them any reasonable condition for the purpose of the
13 protection of the public, or for the purpose of the
14 rehabilitation of the probationer, or both;

15

16 **33-27-123. Privileged communication.**

17

18 (a) In judicial proceedings, whether civil, criminal,
19 or juvenile, in legislative and administrative proceedings,
20 and in proceedings preliminary and ancillary thereto, a
21 patient or client, or his guardian or personal
22 representative, may refuse to disclose or prevent the
23 disclosure of confidential information, including
24 information contained in administrative records,

1 communicated to a person licensed or otherwise authorized
2 to practice under this act, or to persons reasonably
3 believed by the patient or client to be so licensed, and
4 their agents, for the purpose of diagnosis, evaluation or
5 treatment of any mental or emotional condition or disorder.
6 The psychologist ~~or school psychologist~~ shall not disclose
7 any information communicated as described above in the
8 absence of an express waiver of the privilege except in the
9 following circumstances:

10

11 (iii) Where such information is necessary for
12 the psychologist ~~or school psychologist~~ to defend against a
13 malpractice action brought by the patient or client;

14

15 (iv) Where an immediate threat of physical
16 violence against a readily identifiable victim is disclosed
17 to the psychologist; ~~or school psychologist;~~

18

19 (v) In the context of civil commitment
20 proceedings, where an immediate threat of self-inflicted
21 damage is disclosed to the psychologist; ~~or school~~
22 ~~psychologist;~~

23

1 **Section 2.** W.S. 33-27-113(a)(iii)(A) through (D),
2 (vii) and (ix) is repealed.

3

4 **Section 3.** The term of the person representing school
5 psychologists on the Wyoming state board of psychology
6 shall continue pursuant to the terms of his gubernatorial
7 appointment and the person shall not be reappointed unless
8 the person otherwise qualifies for appointment as provided
9 in W.S. 33-27-115, as amended by this act.

10

11 **Section 4.** This act is effective July 1, 2008.

12

13

(END)