

SENATE FILE NO. SF0049

Psychologist licensure.

Sponsored by: Senator(s) Massie and Scott and
Representative(s) Blake, Craft, Gingery and
Hammons

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 and providing for an effective date.

11

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

13

14 **Section 1.** W.S. 33-27-113(a)(iii)(intro) and by
15 creating a new subsection (b), 33-27-114(a),
16 (e)(iii)(intro), (f)(intro), (ii) and by creating a new

1 subsection (g), 33-27-115(a), 33-27-116(a) and by creating
2 a new subsection (n), 33-27-117(a) through (c) and by
3 creating a new subsection (e), 33-27-119(a), (b) and (d),
4 33-27-120(a), (b)(intro), (i), (iii), (iv), (v), (ix), (x),
5 (xi), (xiii) and (xvii), 33-27-122(a), (e), (f), (g),
6 (h)(intro) and (iii) and 33-27-123(a)(intro), (iii), (iv)
7 and (v) are amended to read:

8
9 **33-27-113. Definitions.**

10
11 (a) As used in this act:

12
13 (iii) "Practice of psychology" means the
14 observation, description, evaluation, interpretation and
15 modification of human behavior by the application of
16 psychological principles, methods and procedures, for the
17 purpose of preventing, ~~or~~ eliminating, evaluating or
18 assessing symptomatic, maladaptive or undesired behavior,
19 ~~and the purpose~~ of enhancing interpersonal relationships,
20 work and life adjustment, personal effectiveness,
21 behavioral health and mental health and the purpose of
22 consulting in legal decision making. Psychological
23 services may be rendered to individuals, families, groups
24 and the public. The practice of psychology shall be

1 construed within the meaning of this definition without
2 regard to whether payment is received for services
3 rendered. The practice of psychology includes, but is not
4 limited to:

5
6 (b) A person not otherwise exempt from this act is
7 engaged in the practice of psychology when the person
8 advertises or represents that he is authorized to practice
9 psychology and performs any of the activities enumerated in
10 paragraph (a)(iii) of this section without regard to
11 whether payment is received for services rendered.

12
13 **33-27-114. Exemptions.**

14
15 (a) Nothing in this act shall be construed to prevent
16 members of other recognized professions who are licensed,
17 certified or regulated under the laws of this state as
18 defined in the rules and regulations from rendering
19 services consistent with their professional training and
20 code of ethics, provided that they do not represent
21 themselves to be psychologists. ~~or school psychologists.~~

22
23 (e) Nothing in this act shall be construed to prevent
24 the persons described in this subsection from engaging in

1 activities defined as the practice of psychology, provided
2 that the persons shall not represent themselves by the
3 title "psychologist." The persons may use the terms
4 "psychological trainee," "psychological intern,"
5 "psychological resident" or "psychological practitioner"
6 and shall perform their activities under the supervision
7 and responsibility of a licensed psychologist in accordance
8 with the rules promulgated by the board. This subsection
9 shall only apply to:

10
11 (iii) A qualified practitioner holding a ~~masters~~
12 master's degree or doctoral degree in psychology from a
13 program approved by the board while working under the
14 supervision of a licensed psychologist. The board, in its
15 rules and regulations, shall establish:

16
17 (f) Nothing in this act shall be construed to prevent
18 specialists in school psychology from engaging in
19 activities defined as the practice of school psychology,
20 provided that they shall not represent themselves by the
21 title "school psychologist." These persons may perform
22 their activities under the supervision and responsibility
23 of a psychologist ~~or school psychologist~~ in accordance with

1 the rules promulgated by the board. The board, in its
2 rules and regulations, shall establish:

3
4 (ii) The number of specialists that a
5 psychologist ~~or school psychologist~~ may employ;

6
7 (g) Nothing in this act may be construed to require
8 employees or contractors of a state agency to be licensed
9 under this act in order to perform their official duties
10 related to the evaluation, auditing or designing of
11 programs, provided those employees or contractors do not
12 hold themselves out to be psychologists.

13
14 **33-27-115. State board of psychology.**

15
16 (a) The Wyoming state board of psychology shall
17 consist of ~~five (5)~~ six (6) licensed psychologists, ~~one (1)~~
18 ~~school psychologist~~, one (1) psychological practitioner and
19 two (2) public members appointed by the governor. Each
20 member shall be a resident of this state. Each member who
21 is a psychologist ~~or school psychologist~~ shall be licensed
22 under this act and shall have a minimum of three (3) years
23 of post-licensure experience. ~~, except the first school~~
24 ~~psychologist shall have a minimum of five (5) years~~

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

20

21 **33-27-116. Powers and duties of the board.**

22

23 (a) In accordance with this act and rules and
24 regulations promulgated under it, the board shall determine

1 a person's initial and continuing qualifications and
2 fitness to practice psychology, ~~or school psychology,~~
3 proceed against the unlawful and unlicensed practice of
4 psychology ~~or school psychology~~ and otherwise enforce this
5 act. ~~The board may employ necessary personnel.~~

6
7 (n) The board may employ or contract with an
8 executive secretary and other necessary staff. The
9 executive secretary shall not be a member of the board. The
10 board may set the salary for the executive secretary.

11
12 **33-27-117. Requirements for licensure.**

13
14 (a) The board shall issue a license as a psychologist
15 ~~or school psychologist, as appropriate,~~ to any applicant
16 who files an application upon a form and in a manner as
17 prescribed by the board, accompanied by the appropriate fee
18 and who furnishes satisfactory evidence to the board of the
19 following which evidence shall comply with rules and
20 regulations of the board:

21
22 (i) The ~~applicant submits evidence as the board~~
23 ~~deems desirable with due regard to the paramount interests~~

1 ~~of the public regarding his~~ applicant's honesty,
2 truthfulness, integrity and competency;

3

4 (ii) The ~~applicant possesses~~ applicant's receipt
5 of a doctoral degree from a program of graduate study in
6 psychology as defined in the rules and regulations, awarded
7 by an institution of higher education;

8

9 (iii) The ~~applicant demonstrates that he has~~
10 ~~completed two (2) years of supervised professional~~
11 ~~experience, one (1) year of which shall be predoctoral, and~~
12 ~~one (1) year of which shall be postdoctoral~~ applicant's
13 completion of one (1) year of predoctoral supervised
14 experience;

15

16 (iv) The ~~applicant has passed~~ applicant's
17 successful completion of the examination for professional
18 practice in psychology ~~or the national school psychology~~
19 ~~examination,~~ and any other written or oral examinations
20 prescribed by the board. The acceptable level of
21 performance for all examinations and policies regarding
22 reexamination of failed applicants shall be determined by
23 the board.

24

1 (b) The board may waive any examination if a
2 psychologist ~~or school psychologist~~ has been licensed in
3 another jurisdiction and if the requirements for licensure
4 in that jurisdiction are equal to, or exceed, the
5 requirements for licensure in this ~~jurisdiction~~state.

6
7 (c) A person licensed as a psychologist or school
8 psychologist in this state on June 30, ~~1993~~2009 shall be
9 deemed to have met all requirements for licensure under
10 this act and shall be eligible for renewal of licensure as
11 a psychologist in accordance with this act.

12
13 (e) The board may issue a temporary license to an
14 applicant who is licensed or certified by a board of
15 psychology of another United States state or territory, or
16 of a foreign country or province whose standards are equal
17 to or exceed the requirements for licensure as a
18 psychologist in this state. A temporary licensee may offer
19 services as a psychologist in this state for not more than
20 thirty (30) working days in any year without holding a
21 permanent license issued under this act. The temporary
22 licensee shall report the nature and extent of the
23 licensee's practice in this state to the board if that

1 practice exceeds twenty (20) working days in any one (1)
2 calendar year.

3
4 **33-27-119. Practice without license.**

5
6 (a) No person who is not licensed under this act
7 shall:

8
9 (i) Represent himself as a psychologist~~i~~ or
10 ~~school psychologist; or~~

11
12 (ii) Engage in the practice of psychology ~~or~~
13 ~~school psychology~~ as defined in this act unless exempted in
14 W.S. 33-27-114.

15
16 (b) Unless exempt under W.S. 33-27-114, any person
17 who represents himself as a psychologist or ~~school~~
18 ~~psychologist or~~ who engages in the practice of psychology
19 ~~or school psychology~~ in violation of this act, is guilty of
20 a misdemeanor punishable by a fine of not more than seven
21 hundred fifty dollars (\$750.00), imprisonment for not more
22 than six (6) months, or both. Each violation shall
23 constitute a separate offense.

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

8
9 **33-27-120. Grounds for denial, suspension or**
10 **revocation of license and other disciplinary sanctions.**

11
12 (a) A psychologist ~~or school psychologist~~ and anyone
13 under his supervision shall conduct his professional
14 activities in conformity with ethical and professional
15 standards promulgated by the board under its rules and
16 regulations.

17
18 (b) The board may suspend, place on probation,
19 require remediation for a specified time to be determined
20 at the discretion of the board, restrict or revoke any
21 license to practice psychology, ~~or school psychology,~~ deny
22 an application for licensure, or take any other action
23 specified in the rules and regulations whenever the board
24 shall find by ~~a preponderance of the~~ clear and convincing

1 evidence, following a hearing conducted by the board
2 pursuant to this act, that the psychologist,~~—school~~
3 ~~psychologist~~ or applicant has engaged in conduct prohibited
4 by this act, rules or regulations promulgated by the board,
5 or in any of the following acts or offenses:

6
7 (i) Fraud in applying for or procuring a license
8 to practice psychology;~~—or school psychology,~~

9
10 (iii) Practicing psychology ~~or school psychology~~
11 in a manner which endangers the welfare of clients or
12 patients;

13
14 (iv) Conviction of a felony that interferes with
15 the ability to practice psychology ~~or school psychology~~ as
16 defined in the rules and regulations;

17
18 (v) Conviction,~~—including a plea of nolo~~
19 ~~contendere, to~~ of any felony or conviction ~~or plea of nolo~~
20 ~~contendere to~~ of any crime or offense that reflects the
21 inability of the practitioner to practice with due regard
22 for the health and safety of clients or patients. A copy
23 of the conviction certified by the clerk of the court

1 entering the conviction is conclusive evidence of the
2 conviction;

3

4 (ix) Malpractice or negligence in the practice
5 of psychology; ~~or school psychology;~~

6

7 (x) Aiding or abetting the practice of
8 psychology ~~or school psychology~~ by a person not licensed by
9 the board;

10

11 (xi) ~~Conviction of~~ Fraud in filing medicare or
12 medicaid claims or in filing claims to any third party
13 payor;

14

15 (xiii) The suspension or revocation by another
16 state of a license to practice psychology; ~~or school~~
17 ~~psychology;~~

18

19 (xvii) Inability to practice psychology ~~or~~
20 ~~school psychology~~ with reasonable skill and safety to
21 patients or clients by reason of illness, inebriation,
22 misuse of drugs, narcotics, alcohol, chemicals or any other
23 substance or as a result of any mental or physical
24 condition.

1

2 **33-27-122. Board hearings and investigations.**

3

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

10

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

18

19 (f) A psychologist ~~or school psychologist~~ may
20 surrender his license when he is charged with ~~unethical~~
21 ~~conduct~~ any violation of this act or board rules and
22 regulations, and such surrender and acceptance by the board
23 shall constitute acknowledgment by the person as an
24 admission of guilt as charged. The circumstances of the

1 surrender shall be reported in the same fashion as a
2 revocation action.

3

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

11

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

19

20 (iii) The board may impose revocation or
21 suspension of a license, but suspend enforcement thereof by
22 placing the psychologist ~~or school psychologist~~ on
23 probation, which probation shall be revocable if the board
24 finds the conditions of the probation order are not being

1 followed. As a condition of probation the board may
2 require the psychologist ~~or school psychologist~~ to submit
3 to care, counseling or treatment by a professional
4 designated by the board. The expense of the action shall
5 be borne by the probationer. The board may at any time
6 modify the conditions of the probation and may include
7 among them any reasonable condition for the purpose of the
8 protection of the public, or for the purpose of the
9 rehabilitation of the probationer, or both;

10

11 **33-27-123. Privileged communication.**

12

13 (a) In judicial proceedings, whether civil, criminal,
14 or juvenile, in legislative and administrative proceedings,
15 and in proceedings preliminary and ancillary thereto, a
16 patient or client, or his guardian or personal
17 representative, may refuse to disclose or prevent the
18 disclosure of confidential information, including
19 information contained in administrative records,
20 communicated to a person licensed or otherwise authorized
21 to practice under this act, or to persons reasonably
22 believed by the patient or client to be so licensed, and
23 their agents, for the purpose of diagnosis, evaluation or
24 treatment of any mental or emotional condition or disorder.

1 The psychologist ~~or school psychologist~~ shall not disclose
2 any information communicated as described above in the
3 absence of an express waiver of the privilege except in the
4 following circumstances:

5
6 (iii) Where such information is necessary for
7 the psychologist ~~or school psychologist~~ to defend against a
8 malpractice action brought by the patient or client;

9
10 (iv) Where an immediate threat of physical
11 violence against a readily identifiable victim is disclosed
12 to the psychologist; ~~or school psychologist,~~

13
14 (v) In the context of civil commitment
15 proceedings, where an immediate threat of self-inflicted
16 damage is disclosed to the psychologist; ~~or school~~
17 ~~psychologist,~~

18
19 **Section 2.** W.S. 33-27-113(a)(vii) and (ix) is
20 repealed.

21
22 **Section 3.** The term of the person representing school
23 psychologists on the Wyoming state board of psychology
24 shall continue pursuant to the terms of his gubernatorial

1 appointment and the person shall not be reappointed unless
2 the person otherwise qualifies for appointment as provided
3 in W.S. 33-27-115, as amended by this act.

4

5 **Section 4.** This act is effective July 1, 2009.

6

7 (END)