



Kirsten J. Gross

Bill Analysis
Legislative Service Commission

H.B. 212

123rd General Assembly
(As Introduced)

Reps. Callender, Vesper, Young, Ford, James

BILL SUMMARY

- Establishes the requirements for licensure of psychological associates.
- Requires the State Board of Psychology to define the scope of the "practice of associate psychology" and to adopt rules specifying the psychological procedures within a psychological associates' training and experience.
- Specifies that the communications between a licensed psychological associate and a client are privileged on the same basis as those between a physician and a patient.
- Authorizes the court of common pleas to enjoin the unlawful practice of associate psychology upon complaint by the State Board of Psychology.

CONTENT AND OPERATION

Licensing of psychological associates by the State Board of Psychology

Currently, psychologists and school psychologists are licensed and regulated by the State Board of Psychology. (R.C. Chapter 4732.) The bill prohibits anyone from engaging in the practice of associate psychology without being a licensed psychological associate. For that purpose, the bill identifies psychological associates as a new separate category but applies to the new category most of the current law provisions applicable to psychologists and school psychologists.

The bill defines the "practice of associate psychology" as rendering or offering to render to individuals, groups, organizations, or the public, psychological procedures that are within the nature and extent of psychological associates' training and experience as identified by the State Board of Psychology

(hereafter "Board"). (Sec. 4732.01). (See **COMMENT.**) The Board must adopt rules specifying psychological procedures that are within the nature and experience of psychological associates' training no later than 90 days after the effective date of the bill. (Sec. 4732.131.)

Licensing requirements

Under current law, the State Board of Psychology appoints an entrance examiner who determines the sufficiency of an applicant's qualifications for admission to the appropriate examination for licensed psychologists and licensed school psychologists. Under the bill, the entrance examiner also would determine the sufficiency of an applicant's qualifications for admission to the examination of licensed psychological associates. If the entrance examiner finds that the applicant for a psychological associate license meets the following requirements, the applicant will be admitted to the examination:

- (1) Is at least 21 years of age;
- (2) Is of good moral character;
- (3) Is a citizen of the United States or has legally declared the intention of becoming such;
- (4) Has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, an earned master's degree in clinical psychology, counseling psychology, or a field the Board considers equivalent to clinical or counseling psychology; and
- (5) Has had at least two years of post master's degree supervised professional experience in psychological work of a type satisfactory to the Board. (Sec. 4732.10.)

The State Board of Psychology grades the examinations and uniformly applies the standards it considers appropriate in determining the level of competence necessary for a passing score. Upon passing the examination for a psychological associate license and paying the proper license fee as prescribed by the Board, the Board is required to issue a psychological associate license to the applicant. (Secs. 4732.11 and 4732.12 (not in the bill).) A current, valid psychological associate license issued by the Board remains in effect until it expires or is suspended or revoked. (Sec. 4732.13.)

License renewal

A person licensed as a psychological associate must register with the Board, on or before August 31 of each even-numbered year, on a form prescribed by the Board, and that gives the licensee's name, address, license number, continuing education information, and other reasonable information the Board requires. The licensee also must submit to the Board secretary a biennial registration fee, in an amount determined by the Board, not to exceed \$200. A licensee's license is automatically suspended if the biennial registration fee is not paid or if the registration form is not received on or before September 30 of a renewal year. (Sec. 4732.14.)

Continuing education

On or before August 31 of each even-numbered year, each psychological associate licensed by the Board must complete continuing education requirements in psychology as prescribed by the Board. (Sec. 4732.141.)

Reciprocity

Under the bill, a licensed psychological associate from another state, territory, or the District of Columbia, or a psychological associate holding a diploma issued by the American Board of Psychology, who wishes to remove to this state to practice, may be issued a license without examination provided that the applicant meets all of the requirements for application to the examination and applies for a license on a form prescribed by the Board (sec. 4732.15).

Suspension, revocation, reprimand, and refusal to issue a license

Current law allows the Board to refuse to issue a psychologist or school psychologist license to any applicant, to issue a reprimand, or to suspend, or to revoke the license of any licensed psychologist or licensed school psychologist if the applicant or licensee has been convicted of a felony or other crime of moral turpitude in any state, has used fraud to obtain a license or has knowingly assisted another to obtain a license to practice psychology or school psychology through fraud or deceit, has been negligent in the practice of psychology or school psychology, has used any controlled substance or alcoholic beverage to an extent that impairs the person's ability to perform the work of a psychologist or school psychologist, has violated a rule of professional conduct set forth by the Board, has practiced in an area that the person is clearly untrained or incompetent to practice, has been adjudicated by a court to be incompetent for the purpose of holding a license, has waived the payment or a deductible or copayment that a patient is required to pay or advertises to do such unless it is done in compliance with a

health benefit plan that expressly allows for such practice. Before the Board may deny, suspend, or revoke a license, or otherwise discipline a license holder, written charges and a hearing must be held.

The bill requires a psychological associate to abide by these same standards. (Sec. 4732.17.)

Confidential relations

The bill specifies that confidential relations and communications between a licensed psychological associate and a client are equal to the confidential relations and communications between a physician and a patient.¹ The bill also specifies that nothing in the bill authorizes a person licensed as a psychological associate to practice medicine, or to engage in the diagnosis or correction of optical defects or conditions. (Secs. 4732.19 and 4732.20.)

Preservation of the title of licensed psychological associate

Under the bill, on or after one year following the effective date of the bill, no person other than a licensed psychologist or a licensed psychological associate is allowed to offer or render services as a psychological associate or to engage in the practice of associate psychology for compensation or other personal gain. Teaching or conducting research is not considered to be the practice of psychology or associate psychology, provided it does not involve the professional practice of psychology or associate psychology affecting the welfare of a patient or client. (Sec. 4732.21.)

Current law specifies that the requirements for licensing by the State Board of Psychology do not restrict or limit persons licensed, certified, or registered under any other provision of the Revised Code from using psychological procedures within the standards and ethics of the profession for which they are licensed, certified, or registered, provided they do not hold themselves out to the public as a psychologist. Current law also does not restrict any person in any capacity from offering services of a psychological nature, provided they neither hold themselves out to the public as a psychologist or as a school psychologist nor use psychological procedures that the State Board of Psychology judges by uniform rule to be a serious hazard to mental health and to require professional expertise in psychology. The bill adds the title, "psychological associate" to the

¹ *A physician is not allowed to testify about what is said in a communication made to a physician by the physician's patient in that relation or the physician's advice to the patient, unless the patient waives the communication privilege or unless another exception to the communication privilege applies. (Sec. 2151.421.)*

titles that persons cannot hold themselves out to the public as unless they are licensed. (Sec. 4732.23.)

Exemption from licensing requirements

Current law provides that persons employed by a licensed psychologist or a licensed school psychologist are exempt from licensing requirements while they carry out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority. All fees must be billed under the license holder's name and the employee is not allowed to use the titles of "psychologist," or "school psychologist." However, the employee of a license holder may use the titles "psychology trainee," "psychology intern," "psychology assistant," or other titles that clearly imply their supervised or training status.

The bill exempts persons employed by a licensed psychological associate from licensing requirements under the same restrictions that apply to employees of licensed psychologists and licensed school psychologists. (Sec. 4732.22.)

Under current law, the law established for licensed or registered counselors and social workers does not apply to licensed psychologists and licensed school psychologists. The bill also excludes licensed psychological associates from the law covering licensed or registered counselors or social workers. (Sec. 4757.41.) Also, under current law, licensed or registered counselors and social workers are not allowed to engage in the practice of psychology. The bill adds that they are also not allowed to engage in the practice of associate psychology. (Sec. 4757.42.)

Enforcement

Under current law, upon complaint by the State Board of Psychology, the unlawful practice of psychology or school psychology may be enjoined by the common pleas court of the county where such practice occurs. The bill adds that the unlawful practice of associate psychology may be enjoined in the same manner. (Sec. 4732.24.)

COMMENT

For the purpose of licensing psychologists, current law defines "the practice of psychology" to include rendering any service involving the application of psychological procedures to assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders; or to the assessment or improvement of psychological adjustment or functioning. The bill expands the definition by providing that the practice of psychology includes the practice of associate psychology. The definition of "the practice of associate

psychology," however, does not indicate what aspects of the practice of psychology are included. Under the bill "the practice of associate psychology" is rendering psychological procedures that the State Board of Psychology determines are within the nature and extent of psychological associate's training and experiences. Therefore the Board, rather than the statute, will determine what is the "practice of associate psychology."

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-02-99	p. 239

H0212-I.123/jc