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Legislative Committee REGULAR SESSION MINUTES

September 25, 2013

**4015 S. McClintock Drive, Suite 110
Tempe, AZ 85283**

1. CALL TO ORDER

The regular session of the Arizona Board of Psychologist Examiners Legislative Committee was called to order by Dr. Brundage at 9:00 a.m. on September 25, 2013. No Executive Sessions were held.

2. ROLL CALL

Committee Members Present

Jan Brundage, Ph.D. – Chair
Bob Bohanske, Ph.D.
Joseph Donaldson

Staff Present

Cindy Olvey, Psy.D. Executive Director

Attorney General's Office

Jeanne Galvin, Assistant Attorney General

3. DISCUSSION, CONSIDERATION, POSSIBLE ACTION PERTAINING TO POSSIBLE AREAS FOR LEGISLATIVE CHANGES INCLUDING DISCUSSION AND INPUT WITH REPRESENTATIVES OF THE ARIZONA PSYCHOLOGICAL ASSOCIATION. POSSIBLE CHANGES, BUT ARE NOT LIMITED TO:

- **Modify current statute to allow for license renewals throughout the year rather than renewal of all licenses once every two years (A.R.S. 32-2074(B))**
- **Establish a temporary license for individuals completing postdoctoral experience**
- **Increase the amount of time supervision can be provided via electronic means for internship and postdoctoral experience (A.R.S. §32-2071(F)(6), 32-2071(G)(5))**
- **Clarify that an applicant may complete more than 1,500 hours of postdoctoral experience, but may not apply more than 1,500 hours of postdoctoral experience to meet licensure requirements (A.R.S. §32-2071(G))**

Dr. Olvey provided a summary of possible changes to statutes identified by the Board since 2009.

Issue: Change the term “client” to “patient

Discussion followed regarding changing the term “client” to “patient.” Because of the difference in psychological services provided, some psychologists refer to “clients” while other psychologists refer to “patients.” Participants discussed the importance of psychologists demonstrating their roles as healthcare providers as the country moves forward with the Affordable Care Act. It was the consensus of participants that changing “client” to “patient/client” would more accurately characterize individuals served by psychologists. In addition, definitions for “client” and “patient” could be included in rules to clarify the use of these terms.

Issue: Continuing Education

The issue of Continuing Education (CE) was also raised. Dr. Olvey clarified that the Board is drafting changes to the Continuing Education (CE) section in rule. Participants discussed the current requirement that psychologists must complete four hours of CE in Domestic Violence or Child Abuse every two years. Specifically, some participants expressed that not all psychologists provide services related to these two areas, but continue to be required to obtain CE credit. Psychologists are not free to select topics that pertain to their specific practices. From a public perspective, however, it was also expressed that Domestic Violence and Child Abuse are prevalent in society and all psychologists should be required to complete CE in these areas.

Issue: Temporary Licensure for individual completing postdoctoral experience

Questions were raised about what qualifications an individual must have to acquire a temporary license. At this time, specific requirements have not yet been identified. It was recommended that individuals complete the appropriate doctoral degree (pursuant to A.R.S. 32-2071) including completion of an internship, pass the EPPP, and demonstrate they are working under supervision in a postdoctoral experience. Currently, A.R.S. §32-2073 allows temporary license, if the Board requires an additional exam. In addition, A.R.S. §32-2067 lists a fee of \$200 for a Temporary License. Recommendations followed that the existing statute may be revised to allow for a Temporary License for individuals completing the postdoctoral experience. Consideration of a two-year license was discussed. Another option would be to provide a “good cause exemption” in the event the postdoctoral experience was not completed by the time the temporary license expired.

Issue: Modify language in A.R.S. §32-2075(A)(5)

This section of the statute allows faculty from university doctoral programs in psychology to refer to themselves as psychologists even though they may not be licensed. Participants discussed that this section lists only the programs at the three State universities and does not include other regionally accredited universities in Arizona. It was recommended that this section include universities with regional accreditation. In addition, the words “postdoctoral program” should be “doctoral program.”

Issue: Modify language pertaining to supervision in A.R.S. §32-2071(G)(2)

This section of the statute states,

The supervisor takes full legal responsibility for the welfare of the client as well as the diagnosis, intervention and outcome of the intervention and takes reasonable steps to ensure that clients are informed of the supervisee’s training and status and that clients may meet with the supervisor at the client’s request.

Following discussion, participants recommended this section read,

The supervisor takes full clinical responsibility for the welfare of the client and takes reasonable steps to ensure that clients are informed of the supervisee’s training and status and that clients may meet with the supervisor at the client’s request.

Issue: Modify A.R.S. §32-2071(G) pertaining to postdoctoral experience

Language in this section should be modified to reflect that a person may complete more than 1,500 hours of postdoctoral experience, however, not more than 1,500 hours of postdoctoral experience shall be applied to the required 3,000 hours of supervised experience. In addition, this section should clarify the number of direct client contact hours required for individuals completing less than 1,500 hours of postdoctoral experience. The licensing application was discussed within the context of this section. Changes in the application form should correspond to changes in statute. In addition, the application form should clearly indicate that only 40 hours per week may be applied.

Issue: Modify A.R.S. §32-2086 pertaining to Treatment and Rehabilitation

Discussion focused on the fact that this section needs to clearly indicate that the licensee is financially responsible for treatment and rehabilitations costs.

Issue: A.R.S. §32-2074(B) pertaining to exemptions from licensure

This section of the statute identifies instances when an individual is exempt from licensure and states,

This chapter does not limit the use of the title “psychologist” by a person who possesses a doctoral degree from an educational institution as provided in section 32-2071 if that person is not engaged in the practice of psychology.

Participants discussed that this section may be confusing and misread by individuals who are unlicensed and refer to themselves as psychologists. It is recommended that this section be eliminated.

Issue: Revision of A.R.S. 32-2071(F) pertaining to supervision of internship experience

This section of the statute states, “The training program provides at least two psychologists on staff as supervisors. . .”. The issue pertains to the definition of “on staff.” Following a brief discussion, participants expressed that “on staff” could be better defined in rule.

Issue: Supervision via electronic means pursuant to A.R.S. §§32-2071(F)(6) and 32-2071(G)(5)

This statute states, “Not more than twenty per cent of the face-to-face supervision may be completed using confidential real time visual telecommunication or other confidential electronic means.” Participants discussed supervision via confidential electronic means and expressed the importance of ensuring confidentiality and security of equipment. The necessity of providing supervision to trainees in rural areas as well as specialty areas that may be in urban regions was also discussed. Use of telemedicine in the medical environment was also discussed. Participants recommended not identifying a specific percentage of time. Rather, supervisors should ensure confidentiality and security as well as determine the appropriate amount of time spent in supervision via electronic means.

Issue: Telepractice

Participants discussed the need to include guidelines for practicing psychology via electronic means both within the State and across States. The importance of the guidelines developed by the Joint Task Force on Telepsychology and adopted by the American Psychological Association were discussed.

Issue: Modification of the Biennial License Renewal Process (A.R.S. §32-2074(B))

Participants discussed modifying this section of the statute to allow for license renewals throughout the year over a two-year period rather than requiring all licensees to renew licenses at the same time every two years. Issues that may arise during the transition period were discussed as well as the implications for AzPA, which offers CE credits for psychologists. Ensuring CE programs are offered at times that meet the needs of licensees regardless of their renewal date was identified as a possible

issue to be resolved if this item is enacted. Whether to limit the amount of CE a licensee may obtain online was discussed. AzPA representatives expressed the value of attending CE programs in person and requested that the Board consider encouraging in-person attendance.

4. DISCUSSION, CONSIDERATION, POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE

It was discussed that individuals would like to see the repeal of A.R.S. §32-2081(B) pertaining to complaints filed against judicially appointed psychologists. Senator Barto may have been contacted. Legislative liaisons from AzPA and the Board plan to contact Senator Barto to confirm the accuracy of this information.

Representatives of AzPA provided an update on prescriptive authority for psychologists. AzPA is currently working on scheduling stakeholder meeting to discuss this issue.

Participants discussed the timing of running legislation for those items discussed at the current meeting. Participants expressed that there does not appear to be anything that would preclude running legislation during the upcoming session (2014).

5. SCHEDULE NEXT COMMITTEE MEETING, IF NECESSARY

The Committee will report the results of this meeting to the Board at the October 4, 2013, Board meeting. AzPA representatives expressed appreciation to the Board for being included in the discussion of possible legislative issues. Pending further direction from the Board, no future Committee meeting was scheduled.

6. ADJOURNMENT

There being no further business to come before the Committee, Dr. Bohanske made a motion to adjourn, seconded by Mr. Donaldson. The motion carried (3-0). The meeting adjourned at 11:00 a.m.

Janice K. Brundage, Ph.D.
Legislative Committee Chair