

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0369

SENATE BILL NO. 51

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to revise certain terminology, licensing requirements, and
2 procedures regarding the Board of Examiners of Psychologists.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-27A-1 be amended to read as follows:

5 36-27A-1. Terms used in this chapter, unless the context otherwise requires, mean:

6 (1) "Board," the Board of Examiners of Psychologists established under this chapter;

7 (2) "Program in psychology," a doctoral program, including a doctor of philosophy
8 degree (Ph. D.), a doctor of psychology degree (Psy. D.) and a doctor of education
9 degree (Ed. D.), for training in psychology that meets all of the following criteria:

10 (a) The program offers doctoral education and training in a regionally accredited
11 institution of higher education in the United States, or, in the case of Canadian
12 programs, the institution is recognized by the Association of Universities and
13 Colleges of Canada as a member in good standing;

14 (b) The program, wherever it may be administratively housed, is identified as a
15 psychology program ~~or primarily psychological in nature~~ as certified by the



educational institution. The board may review the institutional catalogs and brochures to determine the psychological nature of the program;

(c) The program must be a recognizable, coherent organizational entity within the institution;

(d) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(e) The program must be an integrated, organized sequence of study;

(f) There must be an identifiable psychology faculty;

(g) The program must have an identifiable body of students who are matriculated in that program for the purpose of receiving a degree;

(h) The program must include supervised practicum, ~~internship~~, field or laboratory training ~~appropriate to the practice of in psychology, and a supervised psychology internship pursuant to ARSD 20:60:08:01;~~

(i) The curriculum must encompass a minimum of three academic years of full time graduate study and completion of a psychology internship prior to awarding the doctoral degree. At least two of the three academic training years must be with the institution from which the doctoral degree is granted, and at least one year of which must be in full time residence at that same institution.

In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the four following substantive areas. This may be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in these four substantive content areas:

- (i) Biological ~~bases~~ aspects of behavior: physiological psychology, comparative psychology, neuro-psychology, ~~sensation and perception~~, psychopharmacology, psychophysics;
- (ii) Cognitive-affective ~~bases~~ aspects of behavior: learning, thinking, motivation, emotion;
- (iii) Social ~~bases~~ aspects of behavior: social psychology, ~~group processes~~ community psychology, organizational and systems theory, minority group studies;
- (iv) Individual differences: personality theory, human development, ~~abnormal psychology~~ psychopathology, cultural diversity.

In addition to these criteria, the programs ~~in psychology~~ shall include course requirements in specialty areas of psychology.

- (3) "Psychological procedures," include but are not restricted to the application of principles, methods or procedures of understanding, predicting or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, behavior modification, environmental manipulation, group process, psychotherapy, biofeedback or hypnosis; and the methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions or motivation;
- (4) "Psychologist," a person licensed under this chapter in the practice of psychology who holds himself or herself out to the public by any title or description of services which uses the words psychological, psychology, psychologist, psychometrist, or any

1 derivations thereof;

2 (5) "The practice of psychology," the observation, description, evaluation, interpretation,
3 and modification of human behavior by the application of psychological principles,
4 methods, and procedures for the purpose of preventing or eliminating symptomatic,
5 maladaptive, or undesired behavior and of enhancing interpersonal relationships,
6 work and life adjustment, personal effectiveness, behavioral health, and mental
7 health. The term includes psychological testing and the evaluation or assessment of
8 personal characteristics, such as intelligence, personality, abilities, interests,
9 aptitudes, and neuropsychological functioning; individual, marital, family, or group
10 counseling; psychotherapy and other therapeutic techniques based on psychological
11 principles; diagnosis and treatment of mental and emotional disorders or disabilities,
12 compulsive disorders, disorders of habit or conduct as well as of the psychological
13 aspects of physical illness, accident, injury, or disability; and psychoeducational
14 evaluation, therapy, remediation, and consultation. The practice of psychology is the
15 rendering of psychological services to individuals, families, groups, and the public
16 and is without regard to whether payment is received for services rendered.

17 Section 2. That § 36-27A-2 be amended to read as follows:

18 36-27A-2. The provisions of this chapter do not apply to the following persons:

- 19 (1) Employees of a regionally accredited academic institution while performing their
20 teaching, training or research duties;
- 21 (2) Employees working in public or private nonprofit organizations or institutions if they
22 are being supervised by a licensed psychologist. The nature of an acceptable
23 supervisory relationship shall be specified by the Board of Examiners of
24 Psychologists in rules promulgated pursuant to chapter 1-26;

- (3) Students of psychology, ~~psychological~~ psychology interns or persons preparing for the practice of psychology ~~in a training institution or facility approved by the board,~~ if they are designated by the title ~~psychological~~ psychology trainee, psychology intern, or similar title which clearly indicates their training status. Persons engaged in obtaining their one year of supervised postdoctoral psychology practice are also exempt;
- (4) Persons who are not residents of this state, and who have not established offices in this state, who render psychological services in this state for a period which does not exceed an aggregate of more than twenty days during any one year, if they are authorized under the laws of the state or country of their residence to perform these activities and services. If a provider exceeds ten consecutive days of practice in this state in any calendar year ~~he~~ the provider shall report to the board, in writing, the nature and extent of ~~his~~ the provider's practice in this state;
- (5) Persons consulting in the specialty areas of experimental psychology, industrial/organizational psychology, developmental psychology, social psychology, human factors psychology, and research design. ~~Individuals~~ Persons, who represent themselves as consulting in these specialty areas, ~~must~~ shall notify the board of the general nature of their activities, unless they are otherwise exempted by this section;
- (6) School psychologists and school psychological examiners certified by the division of education services and resources practicing and functioning within the scope of their employment if they use the title certified school psychologist or school psychological examiner;
- (7) Qualified physicians, surgeons, dentists, osteopaths, optometrists, chiropractors, podiatrists, registered nurses, attorneys, court employees, marriage counselors, family

1 counselors, members of the clergy, mental health counselors, school counselors,
2 rehabilitation counselors, employment counselors, guidance counselors ~~or~~, social
3 workers, or licensed professional counselors doing work within the standards and
4 ethics of their respective professions if they do not hold themselves out to the public
5 by any title incorporating the term psychology; or

6 (8) Employers in the normal course of evaluating and assessing the skills, aptitudes, and
7 interests of employees and job applicants.

8 Section 3. That § 36-27A-8 be amended to read as follows:

9 36-27A-8. ~~The initial Board of Examiners of Psychologists shall meet at Pierre, South~~
10 ~~Dakota, within one month after appointment and elect a president, vice president, and a~~
11 ~~secretary from its members. Thereafter the~~ The board shall elect officers annually. The board
12 shall meet at least once a year at a place and time determined by the president of the board. The
13 board secretary ~~of the board shall be~~ is responsible for taking and keeping the minutes of all
14 board meetings.

15 Section 4. That § 36-27A-11 be amended to read as follows:

16 36-27A-11. A psychologist licensed by another state, or by a province of Canada, may
17 practice within this state for a maximum ~~period~~ of six months, during which time ~~his~~ the
18 psychologist's credentials ~~must~~ shall be reviewed and ~~his~~ the psychologist's application for
19 licensing accepted or denied. Within thirty calendar days after the commencement of ~~his~~ the
20 psychologist's practice in this state, ~~he~~ the psychologist shall apply to the Board of Examiners
21 of Psychologists for licensing. The board, upon application and payment of the license fee, shall
22 license any ~~individual person~~ who is licensed by any other country, state, territory or possession
23 of the United States, if the license was issued under the minimum requirements of this chapter
24 and who has practiced at least five years in such jurisdiction, and who does not have a complaint

pending with such state or province, or any other jurisdiction. The application shall include a consent by the applicant for the release of information by all prior jurisdictions where licensed of all information relative to the applicant, including any disciplinary proceedings even if, by agreement or otherwise, the proceedings are confidential.

Section 5. That § 36-27A-12 be amended to read as follows:

36-27A-12. The ~~Board of Examiners of Psychologists~~ board shall issue a license as a psychologist to an applicant who:

(1) Has a doctoral degree from a regionally accredited university or ~~college in a program in professional school of~~ psychology, or is recognized by the Association of Universities and Colleges of Canada as a member in good standing; and

(2) Has passed ~~an~~ any examination specified by the board for this purpose; ~~and~~

(3) Has had a supervised ~~psychological~~ psychology internship amounting to not less than one thousand eight hundred hours in duration over a period of not more than two consecutive calendar years ~~and one year of postdoctoral psychological experience.~~

~~— The nature of an acceptable supervised psychological internship shall be specified by the board in rules promulgated pursuant to chapter 1-26. The board shall specify, by rules promulgated pursuant to chapter 1-26, the nature of an acceptable supervised psychology internship;~~

(4) Has had one year of supervised postdoctoral psychology practice. The board shall specify, by rules promulgated pursuant to chapter 1-26, the nature of an acceptable postdoctoral year of supervised psychology practice; and

(5) Has not been convicted of a felony or a misdemeanor involving moral turpitude as defined in subdivision 22-1-2(25).

Section 6. That § 36-27A-12.1 be amended to read as follows:

1 36-27A-12.1. The ~~Board of Examiners of Psychologists~~ board may issue a provisional
2 license not to exceed twelve months in duration to an applicant who is completing the one-year
3 ~~of supervised postdoctoral psychological experience~~ psychology practice if the applicant has
4 satisfied the requirements of ~~subdivisions~~ subdivision 36-27A-12(1) ~~and (2)~~, passed a written
5 national standardized examination, and has completed the supervised ~~psychological~~ psychology
6 internship as specified in subdivision 36-27A-12(3).

7 Section 7. That § 36-27A-13 be repealed.

8 ~~36-27A-13. An applicant for licensure as a psychologist is exempt from the requirement of~~
9 ~~a doctoral degree in a program in psychology as listed in § 36-27A-12 if, for one year~~
10 ~~immediately preceding January 1, 1982, he has formally and consistently represented himself~~
11 ~~to the public as a psychologist, has a master's degree in psychology or primarily psychological~~
12 ~~in nature, and has spent the majority of his working hours in the practice of psychology, and if~~
13 ~~the Board of Examiners of Psychologists receives the application for licensure on or before~~
14 ~~January 1, 1982.~~

15 Section 8. That § 36-27A-14 be repealed.

16 ~~36-27A-14. An applicant for licensure as a psychologist is exempt from the examination~~
17 ~~requirement of § 36-27A-12 if the Board of Examiners of Psychologists receives the application~~
18 ~~for licensure on or before January 1, 1982.~~

19 Section 9. That § 36-27A-15 be repealed.

20 ~~36-27A-15. An applicant for licensure as a psychologist is exempt from the requirement of~~
21 ~~a psychological internship as listed in § 36-27A-12 if he has one year of psychological~~
22 ~~experience and if the Board of Examiners of Psychologists receives the application for licensure~~
23 ~~on or before January 1, 1982, or if the applicant received a doctoral degree prior to 1979 and the~~
24 ~~applicant is listed in the National Register of Health Service Providers in Psychology.~~

Section 10. That § 36-27A-16 be repealed.

~~36-27A-16. To qualify for the exemptions specified in § 36-27A-13, 36-27A-14 or 36-27A-15, the applicant for licensure shall have lived in South Dakota for one year preceding the time the Board of Examiners of Psychologists receives the application for licensure.~~

Section 11. That § 36-27A-22 be amended to read as follows:

36-27A-22. The ~~Board of Examiners of Psychologists~~ board shall hold examinations at least semiannually at a place designated by the board. The type of ~~examination~~ examinations, including a national standardized examination, required shall be determined by the board.

Section 12. That § 36-27A-28 be amended to read as follows:

36-27A-28. ~~The license of a psychologist may be revoked or suspended or denied upon any of board may suspend or revoke the license of a psychologist or require remediation or impose other sanctions on a psychologist, may deny licensure to any applicant, or require remediation prior to the issuance of a license, upon~~ the following grounds:

- (1) The licensee is guilty of fraud or deceit in his the licensee's admission to practice or in the practice of psychology, or an applicant for licensure is guilty of fraud or deceit in the applicant's attempted admission to practice psychology;
- (2) The licensee or applicant for licensure has been convicted of a felony or a serious crime during the past five years. "Felony" The term, felony, means an offense which, if committed in South Dakota, would be a felony under South Dakota law. The term, serious crime, means a felony or a lesser crime involving moral turpitude as defined in subdivision 22-1-2(25);
- (3) The licensee or applicant for licensure is or has been engaged in the practice of psychology under a false or assumed name and has not registered that name pursuant to chapter 37-11, or is impersonating another practitioner of a like or different name;

- 1 (4) The licensee or applicant for licensure is using intoxicating liquors, narcotics or
2 stimulants to such an extent as to impede ~~him~~ the licensee or applicant from the
3 performance of ~~his~~ the licensee's or applicant's professional duties as a psychologist;
- 4 (5) The physical or mental condition of the licensee or applicant for licensure is
5 determined to be such as to jeopardize or endanger those who seek the professional
6 services of the licensee or applicant. By a majority vote of the entire ~~Board of~~
7 ~~Examiners of Psychologists~~ board, the board may demand a physical or mental
8 examination of a licensee or applicant for licensure. The failure to submit to the
9 examination is immediate grounds for the suspension of the licensee's license or
10 grounds for denial of a license to an applicant for licensure;
- 11 (6) The licensee or applicant for licensure has been found in violation of the code of
12 ethics adopted by the board;
- 13 (7) The licensee has obtained or attempted to obtain a license, certificate or renewal
14 thereof by bribery or fraudulent representation;
- 15 (8) The licensee knowingly made a false statement in connection with any application
16 required by this chapter;
- 17 (9) The licensee lacks required training or fails to meet the continuing education
18 requirements set by the board;
- 19 (10) The licensee knowingly made a false statement on any form promulgated pursuant
20 to this chapter; or
- 21 (11) The licensee has violated any provision of this chapter or the rules promulgated by
22 the board.

23 Section 13. That § 36-27A-30 be amended to read as follows:

24 36-27A-30. The decision of the ~~Board of Examiners of Psychologists~~ board to suspend ~~or,~~

1 revoke, or deny a license requires a majority vote of all the board members.