

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Licensing and Registration, State Board of Examiners of Psychologists

RULE TITLE OR SUBJECT: Rules governing psychologists and psychological examiners

PROPOSED RULE NUMBER: 98-P

(LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE):

CONCISE SUMMARY (UNDERSTANDABLE BY AVERAGE CITIZEN): The proposed rules repeal and replace the board's current rules. Major changes include: **Chapter 1, Definitions** - Permitting psychological examiners to lead psychoeducational groups. **Chapter 2, Advisory Rulings** - Adoption of procedures for the discretionary issuance of advisory rulings. **Chapter 3, Application, Examination and the Licensure Process** - Time requirements for completion of the application process; eligibility for licensure on the basis of a CPQ or NR Credential; requirement that applicants submit license verifications from all jurisdictions in which they were previously licensed; elimination of the oral examination; requirement that applicants pass a jurisprudence examination; requirement that new licensees participate in a practice review seminar during their first year of licensure. **Chapter 4, Licensure of Psychologists** - Revision of the educational requirements for non-accredited academic programs, including a requirement that non-accredited programs include a minimum of 2 years full-time, on-site residency at the educational institution with live face-to-face instruction. Revision of the supervised experience requirement. **Chapter 5, Licensure of Psychological Examiners** - Revision of the educational requirements for non-accredited academic programs, including a requirement that non-accredited programs include a minimum of 1 year full-time, on-site residency at the educational institution with live face-to-face instruction. Revision of the supervised experience requirement. **Chapter 6, Supervision of Unlicensed Personnel** - New supervision standards for unlicensed personnel. Declaration that "the supervisor is ethically and legally responsible for all of the professional activities of the supervisee." **Chapter 7, Qualifications of Supervisors** - New global qualifications standard for all psychologists who serve as supervisors. **Chapter 8, Continuing Professional Education** - Substantial change to the continuing education requirement, including 3 hours in ethics, 20 hours in the licensee's current areas of practice or anticipated areas of future practice and, for supervisors, 3 hours in skills and principles of supervision. The distinction between Category 1 and Category 2 activities is eliminated. New categories of continuing education activities are recognized. The 20-hour limitation on "correspondence courses" is eliminated. The approval process for continuing education activities is clarified. A provision for hardship deferment of continuing education is added. **Chapter 9, Ethical Standards and Practice Requirements** - Updated editions of the codes of ethics to be observed by licensees; new requirement that full client records be retained for at least 5 years following last contact and that treatment summaries be retained for at least 15 years following last contact; notice requirement for psychologists licensed in another jurisdiction who provide occasional services in Maine; occasional services limited to a maximum of 10 days per calendar year. **Chapter 10, Enforcement and Disciplinary Procedures** - Greater delineation of grounds for discipline, including: (a) disciplinary action in another state or jurisdiction against the licensee, (b) maintaining client records which are substantially inaccurate or incomplete, (c) disclosing a client's health care information in violation of state confidentiality law, and (d) responsibility for the conduct of unlicensed persons in the employment or under the direction of the psychologist who participate in the provision of psychological services. This chapter also removes the declaration of a licensee's implied consent to mental or physical examination contained in the current rules.

The statement of economic impact on small business required by 5 MRSA §8052(5-A) may be obtained from the agency contact person.

THIS RULE WILL **WILL NOT** **HAVE A FISCAL IMPACT ON MUNICIPALITIES.**

STATUTORY AUTHORITY: 5 MRSA §§8051, 9001(4); 32 MRSA §§ 59-B, 3811(1), 3816, 3824(2), (5) and (6); 10 MRSA §8003(5-A)(G)

PUBLIC HEARING):

(IF ANY, GIVE DATE, TIME, LOCATION)

April 1, 2008, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

DEADLINE FOR COMMENTS: April 16, 2008

AGENCY CONTACT PERSON: Geraldine L. Betts, Board Administrator

AGENCY NAME: Office of Licensing and Registration

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02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 1 – DEFINITIONS

Summary: This chapter defines specialized terms used throughout the board’s rules.

1. Definitions

1. APA. “APA” is the American Psychological Association.

2. ASPPB. “ASPPB” is the Association of State and Provincial Psychology Boards.

3. Behavior management. “Behavior management” is arranging or making suggestions to parents, teachers, staff members, work supervisors, or other persons responsible for the care, education or management of target individuals, groups or organizations about altering the situation in which a target individual or target group lives, works, attends school, etc. for the purposes of changing the behavior of the target individual, group or organization. Behavior management also includes the design and implementation of procedures which manipulate the environmental antecedents and consequences of a behavior.

4. CPA. “CPA” is the Canadian Psychological Association.

5. CPQ. “CPQ” is the Certificate of Professional Qualification in Psychology.

6. Consultation. “Consultation” is suggesting changes in the behavior of the parents, teachers, staff members, work supervisors or other persons responsible for the care, education or management of target individuals, groups or organizations which will lead to changes in the situation or in the behavior of the target individual, group or organization. Consultation may also be provided for the purpose of implementing a program of behavior management or social skills training.

7. EPPP. “EPPP” is the Examination for the Professional Practice of Psychology owned by the ASPPB.

8. Full-time residency. “Full-time residency” is at least 26 weeks of weekly face-to-face classroom instruction during the course of an academic year, received from faculty at an on-campus location where student and instructor are physically present in the same room at the time instruction is delivered.

9. Intervention services. “Intervention services” is limited to consultation, behavior management, social skills training, and conducting psychoeducational groups.

10. NASP. “NASP” is the National Association of School Psychologists.

11. National Register. “National Register” is the National Register of Health Services Providers in Psychology.

12. NR credential. “NR credential” is the National Register Health Service Provider in Psychology credential.

13. Occasional services. “Occasional services” means consultation within Maine by a psychologist licensed in another state or jurisdiction but not licensed by the board, subject to the provisions of Chapter 9 of the board’s rules. “Occasional services” does not include psychotherapy.

14. Psychoeducational group. “Psychoeducational group” is an intervention based on psychological principles in which the provider assists the clients in managing their personal behavior using a structured educational format. Psychoeducational groups are distinguished from group psychotherapy by the instructional focus of the former versus the interpersonal and/or process approach of the latter.

15. Psychotherapy. “Psychotherapy” is treatment based on psychological principles in which the treatment provider works directly with the client or client group and in which the personal relationship, verbal, or non-verbal interaction between the treatment provider and the client or client group is a primary vehicle for effecting change. Psychotherapy includes, but is not limited to, recognized styles of individual, marriage and family therapy, and group psychotherapy.

16. Social skills training. “Social skills training” is working directly with clients for the purposes of education, training, habilitation or rehabilitation. Social skills training is limited to training in specific identified basic self-care skills, social skills and activities of daily living appropriate to the clients’ age group.

STATUTORY AUTHORITY: 32 MRSA §3824(2)

EFFECTIVE DATE: July 1, 2008, provided that—

- (a) an applicant enrolled in an educational program or course of supervision on July 1, 2008 may qualify for licensure on the basis of the board’s rules that go into effect on July 1, 2008 or on the basis of the immediate predecessor board rules; and
- (b) the continuing education requirements contained in Chapter 8 of the board’s rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 2 – ADVISORY RULINGS

Summary: This chapter provides for the discretionary issuance of advisory rulings by the board.

1. Request and Consideration

Upon written request of any interested person, the board may issue an advisory ruling pursuant to 5 MRSA §9001 with respect to the applicability of any statute or rule it administers. Requests for advisory rulings must set forth in detail all facts pertinent to the question. The board may decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling, or for any other reason the board deems proper.

2. Response

The board shall acknowledge receipt of a request for an advisory ruling within 15 days after receipt. The board shall respond to every written request for an advisory ruling within 90 days of its receipt of the request, indicating whether or not a ruling will be issued by the board.

STATUTORY AUTHORITY: 5 MRSA §§8051, 9001(4)

EFFECTIVE DATE: July 1, 2008, provided that—

- (a) an applicant enrolled in an educational program or course of supervision on July 1, 2008 may qualify for licensure on the basis of the board’s rules that go into effect on July 1, 2008 or on the basis of the immediate predecessor board rules; and
- (b) the continuing education requirements contained in Chapter 8 of the board’s rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS****CHAPTER 3 – APPLICATION, EXAMINATION AND THE LICENSURE PROCESS**

Summary: This chapter sets forth the application and examination sequence for persons applying for licensure as a psychologist or psychological examiner; including authorization for acceptance of the CPQ and NR. This chapter also contains limitations on the conditional and temporary licenses, and provisions relating to licensure generally.

1. Applications**1. Generally**

The applicant shall complete the application supplied by the board, including all required supporting materials, remit the application fee, and provide such other information as the board may require. Applications will not be considered for approval until they are complete. Failure to complete the application process within the time specified in Section 1(2)(A) or Section 1(2)(B) of this chapter will result in denial.

2. Completion of Application Process

A. *For applications submitted prior to the effective date of this chapter -* The candidate shall complete the application process, up to and including application for the jurisprudence examination administered by the board, within 3 years from the date the application was initially received by the board. The application and all supporting materials become invalid after the expiration of this period, and the file will be closed. To re-apply, the applicant shall submit a new application and new supporting materials.

B. *For applications submitted on or after the effective date of this chapter—*

(1) The applicant shall submit the application and all supporting materials required by this chapter within a period of 1 year.

(2) The applicant shall apply for the written examination described in Section 2(1) of this chapter, pass the written examination, and apply to take the jurisprudence examination administered by the board within a period of 1 year from the date on which the board votes to accept the application.

Upon an applicant's failure to meet these obligations, the application will become invalid and the file will be closed. To re-apply, the applicant shall submit a new application, including supporting materials.

C. The board may extend any of the time periods contained in this section upon a showing by the applicant of:

- (1) Unforeseeable circumstances of genuine hardship; or
- (2) Difficulty in obtaining any of the supporting materials required by Section 1(3) of this chapter, provided that the difficulty is not attributable to lack of diligence on the part of the applicant.

3. Establishment of Qualifications for Licensure

The applicant shall demonstrate his or her qualifications for licensure by—

- Submitting supporting materials directly to the board pursuant to paragraph A below;
- Submitting supporting materials to the board via the ASPPB Credentials Bank pursuant to paragraph B below; or
- Submitting a valid CPQ or current NR Credential to the board pursuant to paragraph C below.

A. Direct Submission of Credentials—

The applicant shall provide the following documentation as part of the application:

- (1) An official, sealed transcript from the graduate program where the applicant earned the qualifying degree described in Chapter 4, Section 1 (psychologists) or Chapter 5, Section 1 (psychological examiners) of the board's rules;
- (2) Documentation, on forms supplied by the board, of the supervised experience described in Chapter 4, Section 2 (psychologists) or Chapter 5, Section 2 (psychological examiners) of the board's rules; and
- (3) Three letters of recommendation, on forms supplied by the board, from qualified professionals who are familiar with the applicant's work. Two of the recommendations must be from licensed psychologists.

A graduate of a psychology program from outside the United States or Canada that is not approved by APA, CPA, NASP and is not on the ASPPB/National Register designation list described in Chapter 4, Section 1(4) of the board's rules shall submit his or her diploma and academic transcript, supervised experience and recommendations to a member of the National Association of Credential Evaluation Services. The evaluation

service shall translate the documents as necessary and shall evaluate the applicant's academic credentials against the approval criteria of Chapter 4, Section 1(4)(A) – (H) (psychologists) or Chapter 5, Section 1(2) (psychological examiners) of the board's rules. The applicant shall submit the translations and transcript analysis with the application. The board may request further evaluation of the applicant's education and experience. All expenses of translation and evaluation must be borne by the applicant.

B. *Submission of Credentials Through ASPPB Credentials Bank (psychologist applicants only)*—

The applicant shall cause the ASPPB Credentials Bank to send:

- (1) A copy of the transcript from the graduate program where the applicant earned the qualifying degree described in Chapter 4, Section 1 of the board's rules;
- (2) Documentation, on forms supplied by the credentials bank, of the applicant's supervised experience described in Chapter 4, Section 2 of the board's rules; and
- (3) Three letters of recommendation from qualified professionals who are familiar with the applicant's work. Two of the recommendations must be from licensed psychologists.

The board may require supplemental information from the applicant as necessary.

C. *Evidence of CPQ or NR Credential (psychologist applicants only)* —
The applicant shall present a valid CPQ or current NR credential. The board may require supplemental or corroborating information from the applicant as necessary. Persons applying for licensure on the basis of the CPQ or NR credential shall satisfy the examination requirements contained in Section 2(3)(A) of this chapter.

4. *Verification of Licensure*

The applicant shall submit verification of licensure and disciplinary action from all states and other jurisdictions in which the applicant was at any time licensed as a psychologist, psychological examiner or other mental health professional.

2. Examination

1. *Types of Examination*

The applicant shall achieve passing scores on a written examination, and a jurisprudence examination on Maine law and rules. The written examination is the EPPP. The applicant shall comply with all applicable rules of the

examination vendor. The board bases passing scores upon national standards. The jurisprudence examination is administered by the board. The passing score for the jurisprudence examination is 80%. An applicant who fails the jurisprudence examination may retake the exam after a 30-day waiting period. The applicant shall pay all applicable examination fees.

2. Eligibility for Examination

The board will review the completed application and supporting materials for trustworthiness, competence and fitness to practice as a psychologist or psychological examiner. It is the applicant's responsibility to confirm that all required materials have been received by the board. The board will notify qualified applicants of their eligibility for examination. No person may take an examination prior to completion of all required education and supervised experience.

3. Examination Requirements

A. Full Licensure - An applicant for licensure as a psychologist or psychological examiner, including a psychologist applying on the basis of a CPQ or NR Credential, shall provide proof of passing scores on the written examination and shall pass the jurisprudence examination.

B. Temporary License - An applicant for temporary licensure as described in 32 MRSA §3824(5) shall first pass the jurisprudence examination. Upon passing the jurisprudence examination and receiving a temporary license, the licensee shall pass the written examination during the 1-year term of the license. The temporary license may not be renewed.

[NOTE: The temporary license enables a psychologist who possesses at least 1,500 hours of postdoctoral experience and has fulfilled all requirements for licensure other than the written examination to practice with supervision as a psychologist or psychological examiner for up to one year pending successful completion of the written examination.]

C. Conditional License - The holder of a conditional license issued pursuant to 32 MRSA §3836 shall pass the jurisprudence examination during the 1-year term of the license. The conditional license may not be renewed or extended.

[NOTE: The conditional license enables a psychologist or psychological examiner licensed in a state with standards equivalent to Maine standards to practice with supervision for up to one year pending successful completion of the jurisprudence examination.]

3. Waiver of Written Examination

The board may, in its discretion, exempt a diplomate of the American Board of Professional Psychology from taking the written examination, provided that:

1. The applicant meets all other requirements for licensure with respect to education, supervised experience and professional character; and
2. The applicant presents no reason for the board to question the applicant's competence or fitness to practice.

4. Licensure

Once an applicant passes the examinations required by Section 2 of this chapter and pays the applicable license fee, the board shall issue the appropriate license to the applicant.

[NOTE: All psychologists newly licensed in Maine shall complete the practice review seminar described in Chapter 8, Section 1 of the board's rules within their first year of licensure.]

5. Term of License

All licenses other than the temporary license and conditional license expire on April 30 of each even-numbered year. Licenses may be renewed biennially upon:

1. Completion of a renewal application form supplied by the board;
2. New licensees: Participation in a practice review seminar administered by the board during the first year of licensure, as required by Chapter 8, Section 1;
3. All other licensees: Attestation to completion of continuing professional education as required by Chapter 7 of the board's rules; and
4. Payment of the applicable license fee.

6. Supervision of Conditional and Temporary Licensees

1. The holder of a conditional or temporary license may practice only under the supervision of a psychologist with the qualifications described in Chapter 7 of the board's rules. The supervising psychologist is responsible for the work of the supervisee.

2. The supervisor's relationship with the supervisee must be clearly differentiated from that of a consultant who may be retained at the discretion of the consultee, but who has no legal, administrative, or professional accountability for the services performed by the consultee or for the welfare of the client.

3. The holder of a conditional or temporary license may not practice until the board has accepted a letter of agreement signed by both the conditional or temporary licensee and the supervising psychologist on a form supplied by the board. The conditional or temporary license is expressly conditioned on the licensee keeping the letter of agreement in effect on an ongoing basis. A supervising psychologist may terminate a letter of agreement by notifying the board and the conditional or temporary licensee in writing.

4. The supervisor shall provide supervision on a schedule appropriate to the nature and extent of the conditional or temporary licensee's practice. The supervisor shall provide a minimum of one hour per week of one-to-one, face-to-face supervision unless other arrangements are approved in advance by the board. Additional supervisory time may be required to meet individual needs.

5. The supervisor shall maintain a record of supervision. The record must document the frequency, duration and content of the supervision, the progress and performance of the supervisee, and any concerns of the supervisor. The supervisor shall provide the record to the board upon request.

6. The supervisor shall restrict practice of the supervisee to areas in which the supervisee is competent to perform under supervision. If the supervisor identifies deficiencies in the practice of the supervisee, the supervisor shall develop a corrective action plan to address the deficiencies and shall send a copy of the corrective action plan to the board. The supervisor shall interrupt or terminate the supervisee's practice whenever necessary to ensure adequate protection of the public and shall notify the board of any action so taken.

7. The supervising psychologist is responsible for ensuring continuity of supervision during periods of the supervisor's temporary unavailability.

8. Both the supervising psychologist and the conditional or temporary licensee are responsible for effectively communicating to the public the limited duration of licensure and supervised nature of the services provided by the conditional or temporary licensee.

7. Fees

Applicants and licensees shall pay the application, examination, license, license renewal and other applicable fees established by Chapter 10, Section 4(32) of the rules of the Department of Professional and Financial Regulation, Office of Licensing and Registration, entitled "Establishment of License Fees."

STATUTORY AUTHORITY: 32 MRSA §3824(2), (5)

EFFECTIVE DATE: July 1, 2008, provided that—

- (a) an applicant enrolled in an educational program or course of supervision on July 1, 2008 may qualify for licensure on the basis of the board's rules that go into effect on July 1, 2008 or on the basis of the immediate predecessor board rules; and
- (b) the continuing education requirements contained in Chapter 8 of the board's rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 4 – LICENSURE OF PSYCHOLOGISTS

Summary: This chapter establishes standards for the education and supervised experience of psychologists.

1. Education

The applicant must possess a doctoral degree in psychology that met any of the following criteria at the time the degree was awarded:

1. APA Accreditation

The program is accredited by the APA.

2. CPA Accreditation

The program is accredited by the CPA.

3. NASP Approval

The program is approved by NASP at the doctoral level.

4. Programs Not Accredited or Approved by APA, CPA or NASP

The program is listed as designated in “Doctoral Psychology Programs Meeting Designation Criteria,” published periodically by the ASPPB/National Register Designation Committee, through having satisfied criteria 2–10 of “Guidelines for Defining a Doctoral Degree in Psychology” utilized by the ASPPB/National Register Designation Committee,

OR

the program meets all of the following criteria:

A. Doctoral training in professional psychology is doctoral training offered in a regionally accredited institution of higher education. A regionally accredited institution is an institution with regional accreditation in the United States, an institution with provincial authorization in Canada, or in other countries, an institution that is accredited by a body that is deemed by the board to be performing a function equivalent to U.S. regional accrediting bodies;

B. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;

- C.** The psychology program must stand as 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 sufficient in size and breadth to carry out its responsibilities and an identified psychologist responsible for the program. The faculty must be located on site at the campus where students complete the 2 years of full-time residency required by paragraph I below;
- G.** The program must have an identifiable body of students who are matriculated in that program for a degree;
- H.** The program must include a coordinated practicum of at least two semesters in duration, and 1 year of predoctoral supervised experience (i.e., internship) that meets the requirements of Section 2 of this chapter;
- I.** The curriculum must encompass a minimum of 3 academic years of full-time graduate study that includes a minimum of 2 years full-time residency at the educational institution granting the doctoral degree. The core program must require every student to demonstrate competence in each of the following substantive areas. This typically will be met through substantial instruction in each of these foundational areas, as demonstrated by a minimum of 3 graduate semester hours, 5 or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of 15 hours of classroom instruction per semester hour), or the equivalent:
 - (1) Scientific and professional ethics and standards;
 - (2) Research design and methodology;
 - (3) Statistics;
 - (4) Psychometric theory;
 - (5) Biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, and psychopharmacology;
 - (6) Cognitive-affective bases of behavior: learning, thinking, motivation, and emotion;

(7) Social bases of behavior: social psychology, group processes, organizational and systems theory;

(8) Individual differences: personality theory, human development, and abnormal psychology; and

(9) Applied psychology: e.g., forensic, therapy techniques, neuropsychology, industrial organizational, school.

2. Supervised Experience

Each applicant shall demonstrate one year of predoctoral supervised experience and one year of postdoctoral supervised experience as described in this section from one or more supervisors with the qualifications described in Chapter 7 of the board's rules.

1. Length and Amount of Predoctoral Supervision

The predoctoral supervised experience consists of a minimum of 1,500 hours of actual work experience (exclusive of holidays, sick leave, vacations or other such absences) completed in not less than 48 weeks nor more than 104 weeks. The predoctoral experience averages at least 16 hours but not more than 40 hours per week. During the predoctoral supervision, the supervisor shall provide a minimum of 2 hours per week of face-to-face supervision and 2 hours of additional learning activities such as group supervision, seminars, and case conferences regardless of whether the predoctoral internship is completed in one year or two. At least 50% of the predoctoral supervised experience must be in service-related activities such as assessment, interviews, report writing, case presentations, treatment and consultation with at least 25% of that time devoted to face-to-face direct patient/client contact. No more than 25% of time may be allocated for research. Supervised experience does not include work experience earned in connection with practica for which academic credit has been awarded.

2. Length and Amount of Postdoctoral Supervision

The postdoctoral supervised experience consists of a minimum of 1,500 hours of actual work experience (exclusive of holidays, sick leave, vacations or other such absences) completed in not less than 48 weeks nor more than 104 weeks. The postdoctoral experience averages at least 16 hours but not more than 40 hours per week. During the postdoctoral supervision, the supervisor shall provide a minimum of one hour of individual supervision and one additional hour of learning activities per week. There may be special circumstances, (e.g., geographical or confirmed physical hardship) when a jurisdiction may consider a variance in the frequency of the supervision sessions so that a minimum of four hours per month of one-to-one supervision is maintained. The postdoctoral supervised experience consists of at least 25% and not more than 60% of the time devoted to direct service per week with the

majority of work being in the intended area of practice. Supervised experience does not include work experience earned in connection with practica for which academic credit has been awarded.

3. Supervision Program Requirements

A. Supervised experience may be credited only for practice in an organized public or private agency, private practice, school, institution, or organization which provides the opportunity for contact with other professional disciplines and work experience with a broad range of clients.

B. An acceptable training setting provides ongoing psychological services in a well-defined and established program. Physical components such as office, support staff, and equipment necessary for the successful training and practice of the supervisee must be available. The supervision program meets the broad and specialized needs of the supervisee that are congruent with the supervisee's interests, level of training and intended area of practice. Predoctoral settings offer full-spectrum training and provide a foundation for a career in psychology. Postdoctoral experience focuses the training in areas of intended, advanced or specialized practice. The major orientation of the setting is on training rather than on generating funds. There is sufficient administrative and financial support to maintain integrity as a training program.

C. Both the predoctoral and postdoctoral supervision programs are organized education and training programs with a planned sequence of supervised experience. Postdoctoral programs offer a range of education and training building on the doctoral program and the predoctoral internship. The program must provide the prospective supervisees with a written document specifying the rules and regulations of the program, as well as the roles, goals and objectives expected from both supervisees and supervisor. At the onset of training the supervisor shall develop, along with the supervisees, a written individualized training plan which meets the needs of the supervisees and is consistent with the purpose of the setting. The supervisor is responsible for determining the adequacy of the trainee's preparation for the tasks to be performed. These documents serve as the foundation for quarterly, written evaluations.

D. Written and oral evaluations provide objective assessment and direct feedback about the supervisee's competence in order to facilitate skill acquisition and professional growth. They are necessary to ensure that supervisees achieve identified objectives. At the outset of the supervisory period, each supervisor together with the supervisee shall establish a written contract which specifies: (i) the competencies to be evaluated and the goals to be attained; (ii) the standards for measuring performance; and (iii) the time frame for goal attainment. Direct feedback should be ongoing with written evaluations provided at least once every six months. Written

evaluation of the supervisor by the supervisee must be provided at the end of the training program.

E. The supervision program must have a full-time licensed psychologist on site who is clearly responsible for the integrity and quality of the program and as many additional psychologists as are necessary to meet the training needs of the supervisees. The supervising psychologist may rely upon one or more experts in allied disciplines for training in specific skill areas, provided that at least 50% of the supervision for doctoral level candidates is provided by the supervising psychologist.

F. The supervision program should offer a variety of professional role models and diverse client populations. The predoctoral program must have an identifiable group of supervisees who are of sufficient number to ensure meaningful peer interaction and support. The postdoctoral program must make every effort to provide meaningful peer interaction and support. The training status of the supervisees must be identified by an appropriate title such as intern, resident, fellow, trainee, etc. such that their training status is clearly identifiable to clients, third-party payors and other entities.

G. The supervisory process addresses legal, ethical, social and cultural dimensions that impact not only the professional practice of psychology but also the supervisory relationship. Issues of confidentiality, professional practice and protection of the public are central.

4. Additional Responsibilities of Supervisors

A. The supervisor shall have sufficient knowledge of clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures.

B. When the service needed by a client is beyond the areas of expertise of the supervisor, supervision must be delegated to another psychologist or psychological examiner whose competence in the delegated areas has been demonstrated by previous education, training and experience. Supervisors may not permit their supervisees to engage in any psychological practice which they cannot competently perform themselves.

C. The supervisor shall restrict practice of the supervisee to areas in which the supervisee is competent to perform under supervision. If the supervisor identifies deficiencies in the practice of the supervisee, the supervisor shall develop a corrective action plan to address the deficiencies. The supervisor shall interrupt or terminate the supervisee's practice whenever necessary to ensure adequate training and adequate protection of the public.

D. The supervisor is ethically and legally responsible for all of the professional activities of the supervisees.

E. The supervisor, or a qualified designee who meets the requirements of a supervisor, shall provide 24-hour availability to both supervisees and the supervisees' clients. The supervisor shall have sufficient knowledge of clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures. The supervisor shall make reasonable effort to provide for another qualified supervisor in case of any interruption of supervision due to such factors as the supervisor's illness, unavailability, or relocation.

F. Supervisors shall avoid entering into dual relationships with their supervisees. Psychologists may not exploit or engage in sexual relationships with supervisees. Supervisors shall attempt to resolve any unforeseen interference which may be potentially harmful to the supervisory relationship with due regard for the best interests of the supervisee and after appropriate consultation.

G. An individual supervisor in a predoctoral program may supervise no more than three supervisees. An individual supervisor in a postdoctoral program may supervise no more than four supervisees.

5. Unacceptable Performance

Supervised experience which the supervisor deems characterized by unacceptable performance by the supervisee shall not be credited toward the required period of supervised experience.

STATUTORY AUTHORITY: 32 MRSA §3824(2)

EFFECTIVE DATE: July 1, 2008, provided that—

- (a) an applicant enrolled in an educational program or course of supervision on July 1, 2008 may qualify for licensure on the basis of the board's rules that go into effect on July 1, 2008 or on the basis of the immediate predecessor board rules; and
- (b) the continuing education requirements contained in Chapter 8 of the board's rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS****CHAPTER 5 – LICENSURE OF PSYCHOLOGICAL EXAMINERS**

Summary: This chapter establishes standards for the education and supervised experience of psychological examiners. This chapter also addresses the provision of intervention services by psychological examiners.

1. Education

The applicant must possess a master's degree in psychology that at the time the degree was awarded met either of the following criteria:

1. *NASP Approval*

The program is approved by NASP at the specialist level.

2. *Master's Degree Programs*

The program meets all of the following criteria:

- A.** Master's level training in professional psychology is master's level training offered in a regionally accredited institution of higher education. A regionally accredited institution is an institution with regional accreditation in the United States, an institution with provincial authorization in Canada, or in other countries, an institution that is accredited by a body that is deemed by the board to be performing a function equivalent to U.S. regional accrediting bodies;
- B.** The program, wherever it may be administratively housed, must be clearly identified as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train psychological examiners (i.e., master's level psychologists);
- C.** The psychology program must stand as a recognizable and coherent organizational entity within the institution;
- D.** There must be 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 sufficient in size and breadth to carry out its responsibilities and an identified psychologist responsible for the program. The faculty must be located on site at the campus where students complete the 1 year of full-time residency required by paragraph J below;

- G.** The program must have an identifiable body of students who are matriculated in that program for a degree;
- H.** The program must include a coordinated practicum, and 1 year of supervised experience that meets the requirements of Section 2 of this chapter;
- I.** For master's degrees awarded prior to June 2, 1994, the program consisted of a minimum of 36 credit hours of graduate work in psychology. For master's degrees awarded on or after June 2, 1994, the program consisted of a minimum of 48 credit hours of graduate work in psychology; and
- J.** The curriculum must encompass a minimum of 2 academic years of full time graduate study that includes a minimum of 1 year's full-time residency at the educational institution granting the master's degree. The core program must require every student to demonstrate competence in each of the substantive areas listed in subparagraphs (1) – (7) below. This typically will be met through substantial instruction in each of these foundational areas, as demonstrated by a minimum of 3 graduate semester hours, 5 or more graduate quarter hours (when an academic term is other than a semester, credit hours will be evaluated on the basis of 15 hours of classroom instruction per semester hour), or the equivalent:
- (1) Professional ethics and standards of practice;
 - (2) Research design, methodology and statistics;
 - (3) Assessment (e.g., measurement theory, psychological testing, clinical diagnosis);
 - (4) Biological basis of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology);
 - (5) Cognitive-affective basis of behavior (e.g., learning, thinking, motivation, emotion);
 - (6) Social basis of behavior (e.g., social psychology, group processes, organizational behavior, systems theory, family dynamics, cultural psychology); and
 - (7) Individual differences (e.g., personality theory, human development, abnormal psychology).

2. Supervised Experience

Each applicant shall demonstrate one year of supervised experience as described in this section from one or more supervisors with the qualifications described in Chapter 7 of the board's rules.

1. *Length and Amount of Supervision*

- A. The supervised experience consists of a minimum of 1,500 hours of actual work experience (exclusive of holidays, sick leave, vacations or other such absences) completed in not less than 48 weeks nor more than 104 weeks. The supervised experience averages at least 16 hours but not more than 40 hours per week.
- B. The supervised experience may be credited only after the applicant has completed the equivalent of one year of full-time graduate study in an integrated sequence of course work in psychology. Supervised experience does not include work experience earned in connection with practica for which academic credit has been awarded.
- C. During supervision, the supervisor shall provide a minimum of 3 hours of supervision per week, one of which shall be regularly-scheduled formal face-to-face individual supervision, regardless of whether the training is full- or part-time. The additional 2 hours of supervisory time must include learning activities such as case conferences involving a case in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person, including discussion; group supervision; and additional individual supervision.

2. *Supervision Program Requirements*

- A. Supervised experience may be credited only for practice in an organized public or private agency, private practice, school, institution, or organization which provides the opportunity for contact with other professional disciplines and work experience with a broad range of clients. Supervised experience does not include work experience earned in connection with practica for which academic credit has been awarded.
- B. An acceptable training setting provides ongoing psychological services in a well-defined and established program. Physical components such as office, support staff, and equipment necessary for the successful training and practice of the supervisee must be available. The program meets the broad and specialized needs of the supervisee that are congruent with the supervisee's interests, level of training and intended area of practice. The major orientation of the setting is on training rather than on generating funds. There is sufficient administrative and financial support to maintain integrity as a training program.

C. The supervision program is an organized education and training program with a planned sequence of supervised experience. The program must provide the prospective supervisees with a written document specifying the rules and regulations of the program, as well as the roles, goals and objectives expected from both supervisees and supervisor. At the onset of training the supervisor shall develop, along with the supervisees, a written individualized training plan which meets the needs of the supervisees and is consistent with the purpose of the setting. The supervisor is responsible for determining the adequacy of the trainee's preparation for the tasks to be performed. These documents serve as the foundation for quarterly, written evaluations.

D. Written and oral evaluations provide objective assessment and direct feedback about the supervisee's competence in order to facilitate skill acquisition and professional growth. They are necessary to ensure that supervisees achieve identified objectives. At the outset of the supervisory period, each supervisor together with the supervisee shall establish a written contract which specifies: (i) the competencies to be evaluated and the goals to be attained; (ii) the standards for measuring performance; and (iii) the time frame for goal attainment. Direct feedback should be ongoing with written evaluations provided at least once every six months. Written evaluation of the supervisor by the supervisee must be provided at the end of the training program.

E. The supervision program must have a full-time licensed psychologist on site who is clearly responsible for the integrity and quality of the program and as many additional psychologists as are necessary to meet the training needs of the supervisees. The supervising psychologist may rely upon one or more experts in allied disciplines for training in specific skill areas.

F. The supervisory process addresses legal, ethical, social and cultural dimensions that impact not only the professional practice of psychology but also the supervisory relationship. Issues of confidentiality, professional practice and protection of the public are central.

3. *Additional Responsibilities of Supervisors*

A. The supervisor shall have sufficient knowledge of clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures.

B. When the service needed by a client is beyond the areas of expertise of the supervisor, supervision must be delegated to another psychologist or psychological examiner whose competence in the delegated areas has been demonstrated by previous education, training and experience. Supervisors may not permit their supervisees to engage in any psychological practice which they cannot competently perform themselves. The supervisor has

the responsibility to interrupt or terminate the supervisee's activities whenever necessary to ensure adequate training and protection of the public.

C. The supervisor shall restrict practice of the supervisee to areas in which the supervisee is competent to perform under supervision. If the supervisor identifies deficiencies in the practice of the supervisee, the supervisor shall develop a corrective action plan to address the deficiencies. The supervisor shall interrupt or terminate the supervisee's practice whenever necessary to ensure both adequate training and adequate protection of the public.

D. The supervisor is ethically and legally responsible for all of the professional activities of the supervisees.

E. The supervisor, or a qualified designee who meets the requirements of a supervisor, shall provide 24-hour availability to both supervisees and the supervisees' clients. The supervisor shall have sufficient knowledge of clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures. The supervisor shall make reasonable effort to provide for another qualified supervisor in case of any interruption of supervision due to such factors as the supervisor's illness, unavailability or relocation.

F. Supervisors shall avoid entering into dual relationships with their supervisees. Psychologists may not exploit or engage in sexual relationships with supervisees. Supervisors shall attempt to resolve any unforeseen interference which may be potentially harmful to the supervisory relationship with due regard for the best interests of the supervisee and after appropriate consultation.

G. An individual supervisor may supervise no more than four supervisees.

4. Unacceptable Performance

Supervised experience which the supervisor deems characterized by unacceptable performance by the supervisee may not be credited toward the required period of supervised experience.

3. Intervention Services

1. Generally

A psychological examiner may provide intervention services as authorized by 32 MRSA §3811(1) only after receiving approval from the board to do so. Intervention services may be provided only under the supervision of a psychologist as described in this section.

2. Application

An application to provide intervention services may be submitted by a psychological examiner, or by a candidate seeking initial licensure as a psychological examiner. Application must be made on forms provided by the board, and must include the following documentation and information:

- (1) The letter of agreement described in Chapter 5, Section 3(4)(C) of the board's rules;
- (2) A statement of the intervention services primarily sought by the applicant; and
- (3) A description of the education, training and experience which qualify the applicant to provide intervention services.

The applicant shall remit the application fee with the application. Applications will not be considered for approval until they are complete.

3. Disposition of Application

The board will approve an applicant to provide intervention services upon:

- A.** A determination that the applicant has demonstrated adequate knowledge of the principles and practices in the areas for which intervention privileges are primarily sought;
- B.** A determination that the applicant's education, training, and supervised experience qualify the applicant to provide intervention services; and
- C.** Acceptance of the letter of agreement required by Chapter 5, Section 3(4)(C) of the board's rules.

4. Supervision

- A.** A psychologist who supervises intervention services provided by a psychological examiner is responsible for all intervention services provided by the supervisee and identified in the letter of agreement required by this subsection. The supervisor shall have sufficient knowledge of clients, including face-to-face contact when necessary, in order to plan effective intervention procedures.
- B.** The supervisor's relationship with the psychological examiner must be clearly differentiated from that of a consultant who may be retained at the discretion of the examiner, but who has no legal, administrative, or professional accountability for the services performed by the examiner or for the welfare of the client.
- C.** The psychological examiner shall procure a letter of agreement signed by both the psychological examiner and the supervising psychologist on a

form supplied by the board. The letter of agreement must list the specific intervention services to be supervised. The intervention privileges conferred on an examiner pursuant to this section are expressly conditioned on the psychological examiner keeping the letter of agreement current on an ongoing basis. The letter must be re-executed annually no later than February 1 of each calendar year, and upon any change in the supervisory relationship. The psychological examiner shall file all letters of agreement with the board within 10 days following execution.

D. A supervising psychologist may terminate a letter of agreement by notifying the board and the psychological examiner in writing.

E. The supervising psychologist shall provide supervision on a schedule appropriate to the nature and extent of the examiner's intervention activities, taking into account the examiner's experience and demonstrated competency. Supervision ordinarily consists of at least one hour per 20 contact hours, but not less than one hour per month for any month in which the psychological examiner provides intervention services.

F. The supervisor shall maintain a record of supervision. The record must document the frequency, duration and content of the supervision, the progress and performance of the supervisee, and any concerns of the supervisor. The supervisor shall provide the record to the board upon request.

G. The supervisor shall restrict practice of the supervisee to areas in which the supervisee is competent to perform under supervision. If the supervisor identifies deficiencies in the practice of the supervisee, the supervisor shall develop a corrective action plan to address the deficiencies and shall send a copy of the corrective action plan to the board. The supervisor shall interrupt or terminate the supervisee's practice whenever necessary to ensure adequate protection of the public, and shall notify the board of any action so taken.

H. The supervising psychologist is responsible for ensuring continuity of supervision during periods of the supervisor's temporary unavailability.

I. Both the supervising psychologist and the psychological examiner are responsible for accurately communicating to the public the scope, limits, and supervised nature of the intervention services provided by the examiner.

STATUTORY AUTHORITY: 32 MRSA §§3811(1) and 3824(2)

EFFECTIVE DATE: July 1, 2008, provided that—

- (a) an applicant enrolled in an educational program or course of supervision on July 1, 2008 may qualify for licensure on the basis of the board's rules that go into effect on July 1, 2008 or on the basis of the immediate predecessor board rules; and
- (b) the continuing education requirements contained in Chapter 8 of the board's rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 6 – SUPERVISION OF UNLICENSED PERSONNEL

Summary: This chapter establishes standards for the supervision of unlicensed persons who participate in the provision of psychological services.

1. Supervision of Unlicensed Persons Who Participate in the Provision of Psychological Services

Supervision of unlicensed persons who participate in the provision of psychological services must adhere to the following requirements:

1. The supervisory process addresses legal, ethical, social and cultural dimensions that impact not only the professional practice of psychology but also the supervisory relationship. Issues of confidentiality, professional practice and protection of the public are central.

2. An acceptable employment setting must provide ongoing psychological services in a well-defined and established program. Physical components such as office space, support staff and equipment necessary for successful practice of the supervisee must be available. The setting must meet the broad and specialized needs of the supervisee that are congruent with the supervisee's job function.

3. The work setting must provide the employee with a written document specifying the administrative policies as well as the objectives of the position. At the onset of employment the supervisor shall develop, along with the supervisee, a written individualized job description that is consistent with the qualifications of the supervisee and the purpose of the work setting.

4. Written and oral evaluation is necessary to ensure that supervisees achieve the identified employment objectives. Evaluations provide objective assessment and direct feedback about the supervisee's competence in meeting the needs of the employment setting. Direct feedback should be ongoing. Written evaluations must be provided at least annually.

5. The work setting must have a licensed psychologist who is legally and ethically responsible for oversight of the integrity and quality of the services as well as other resources necessary to meet the employment needs of the supervisee.

6. The status of the supervisee must be identified by an appropriate title such as testing assistant, psychometrician, etc., such that the supervised status is clearly identifiable to clients, third-party payors and other entities.

7. The supervisor shall determine the adequacy of the supervisee's preparation for the tasks to be performed. Work assignments must be commensurate with the

skills of the supervisee. All procedures must be planned in consultation with the supervisor.

8. Public announcement of services and fees as well as contact with the lay or professional community must be offered only by or in the name of the supervising psychologist.

9. The supervisor may not be the employee of the supervisee. Supervisors shall pay careful attention to the impact of financial arrangements on the supervisory relationship.

10. Supervisors shall avoid entering into dual relationships with their supervisees. Supervisors may not exploit or engage in sexual relationships with supervisees. Supervisors shall attempt to resolve any unforeseen interference which may be potentially harmful to the supervisory relationship with due regard for the best interests of both the client and the supervisee, and after appropriate consultation.

11. The supervisor may not permit a supervisee to engage in any psychological practice which the supervisor cannot perform competently him- or herself.

12. The supervisor shall interrupt or terminate the supervisee's activities whenever necessary to ensure adequate development of skills and protection of the public.

13. The supervisor is ethically and legally responsible for all of the professional activities of the supervisee.

STATUTORY AUTHORITY: 32 MRSA §3824(2)

EFFECTIVE DATE: July 1, 2008, provided that—

(a) an applicant enrolled in an educational program or course of supervision on July 1, 2008 may qualify for licensure on the basis of the board's rules that go into effect on July 1, 2008 or on the basis of the immediate predecessor board rules; and

(b) the continuing education requirements contained in Chapter 8 of the board's rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 7 – QUALIFICATIONS OF SUPERVISORS

Summary: This chapter sets forth qualification standards for supervising psychologists.

1. Applicability

The provisions of this chapter apply to—

1. Psychologists who supervise conditional and temporary licensees as described in Chapter 3, Section 6 of the board’s rules;
2. Psychologists who provide pre-doctoral and post-doctoral supervised experience to psychologists in training as described in Chapter 4, Section 2 of the board’s rules;
3. Psychologists who provide supervised experience to psychological examiners in training as described in Chapter 5, Section 2 of the board’s rules;
4. Psychologists who provide supervision to psychological examiners who provide intervention services as described in Chapter 5, Section 3(4) of the board’s rules;
5. Psychologists who provide consulting, monitoring or supervisory responsibilities in connection with a board order or consent agreement; and
6. Psychologists who supervise unlicensed persons who participate in the provision of psychological services pursuant to Chapter 6 of the board’s rules.

[NOTE: Pursuant to Chapter 10, Section 2(11) of the board’s rules, a psychologist is responsible for the conduct of all unlicensed persons in the employment or under the direction of the psychologist who participate in the provision of psychological services.]

2. Qualifications

1. A supervising psychologist shall be licensed for the practice of psychology.
2. A supervising psychologist shall have adequate training, knowledge and skill to competently render any psychological service that their supervisees may undertake.
3. A supervising psychologist shall be aware of and shall abide by the ethical principles and the laws and rules governing the practice of psychology in general and supervision in particular in the psychologist’s practice jurisdiction.

4. A psychologist who supervises a psychological examiner providing intervention services must be licensed in Maine.
5. A supervising psychologist must be competent to supervise by virtue of training or experience in supervising processes.
6. A psychologist practicing under a conditional or temporary license may not serve as a supervisor.

STATUTORY AUTHORITY: 32 MRSA §3824(2)

EFFECTIVE DATE: July 1, 2008, provided that—

- (a) an applicant enrolled in an educational program or course of supervision on July 1, 2008 may qualify for licensure on the basis of the board's rules that go into effect on July 1, 2008 or on the basis of the immediate predecessor board rules; and
- (b) the continuing education requirements contained in Chapter 8 of the board's rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

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CHAPTER 8 – CONTINUING PROFESSIONAL EDUCATION

Summary: This chapter requires licensees to update and advance their skills through continuing professional education so that the public may benefit from the most current and effective standards of professional practice.

1. Practice Review Seminar

1. Initial Licensees

All psychologists and psychological examiners initially licensed in Maine on or after the effective date of this chapter shall participate in a practice review seminar administered by the board during their first year of licensure. The board may open attendance to experienced licensees for continuing professional education credit.

[NOTE: The content of the seminar will be determined by the board. Initial plans are for the seminar to focus on avoidance of common ethical pitfalls which have led to disciplinary action against licensees. Seminar dates will be announced by the board.]

2. Lapsed Licensees

Psychologists and psychological examiners whose Maine licenses have lapsed for more than 2 years at time of re-application shall participate in a practice review seminar as described in this Section within their first year of re-licensure. The board, in the exercise of its discretion, may require psychologists and psychological examiners whose Maine licenses have lapsed for more than 90 days but not more than 2 years at time of re-application to participate in a practice review seminar within their first year of re-licensure.

2. General Requirements

1. 40 Hours Required for License Renewal

Beginning with the second license renewal, each psychologist and psychological examiner shall attest to the completion of 40 hours of face-to-face or indirect approved continuing professional education directly related to the practice of psychology during the preceding license biennium in conformance with the requirements of this chapter.

2. Subject-Matter Requirements

Of the 40 hours of continuing professional education required for renewal—

- A. A minimum of 3 hours must be earned in the area of ethics;

B. A minimum of 20 hours must be earned in the licensee's current areas of practice or anticipated areas of future practice; and

C. If the psychologist—

(1) Provides supervision for any purpose authorized by the board's rules; or

(2) Supervises clinical services;

A minimum of 3 hours must be earned in the skills and principles of supervision.

3. Continuing Professional Education Activities

1. *Permissible Activities*

Continuing professional education is a systematic learning experience directly related to the practice of psychology. Permissible continuing professional education activities include, but are not limited to:

A. Seminar, lecture, conference and workshop;

B. Televised or interactive instruction and established distance learning procedures;

C. Commercially-prepared self-study; published writing and editing of published works;

D. Successful completion of graduate level courses offered by a college or university that is accredited by a regional accrediting agency recognized by the U.S. Department of Education, or in candidacy for accreditation;

E. Literature review resulting in a published work, annotated bibliography or other tangible work product;

F. Documented advanced training under supervision; and

G. Instructional development as described in Section 3(2)(C) and (D) of this chapter; and

H. The practice review seminar described in Section 1 of this chapter.

2. *Limitation of Permissible Activities*

A. Continuing professional education credit may not be claimed for elective office or service in professional associations or societies, or for membership on governmental regulatory boards.

B. Continuing professional educational credit may not be claimed for non-instructional time such as lunch, breaks and registration.

C. A licensee may claim no more than 10 hours of continuing professional education credit for development of seminars, workshops, conference presentations, lectures or similar activities. No credit may be claimed for development of an activity that is the same or substantially the same as one for which credit has previously been claimed. No credit may be claimed for actual teaching, presentation or lecture time.

D. A licensee may claim no more than 10 hours of continuing professional education credit for development of academic courses. No credit may be claimed for development of a course that is the same or substantially the same as one for which credit has previously been claimed. No credit may be claimed for actual teaching time.

E. A licensee may claim no more than 10 hours of continuing professional education credit for literature review described in Section 3(1)(E) of this chapter.

4. Approval of Continuing Professional Educational Activities Described in Section 3(1)(A) – (C)

Continuing professional education activities described in Section 3(1)(A) – (C) of this chapter must meet the criteria for approval set forth in Section 4(1) of this chapter. Activities that are not approved will not be eligible for continuing education credit.

To be deemed approved, a continuing professional education activity described in Section 3(1)(A) – (C) must be either pre-approved by the board pursuant to Section 4(2) of this chapter, or specifically approved by the board as described in Section 4(3) of this chapter.

This section does not apply to continuing professional education activities described in Section 3(1)(D) – (H) of this chapter, for which no approval is necessary.

1. Criteria for Approval of Continuing Professional Education Activities

- A.** The activity must be at least one hour in length;
- B.** The activity must include specified learning objectives;
- C.** The instructor must be a psychologist or other professional who has recognized expertise in the specific subject area of the activity;
- D.** Where appropriate, the announcement materials for the activity must clearly state the name of the sponsor and provider, the name of the individual(s) delivering instruction, the number of contact hours for which

the activity has been approved by the board, and the learning objectives of the activity;

E. The activity must distribute its articulated learning goals to participants at the beginning of the activity; and

F. Participants (including licensees who complete commercially-prepared self-study) must be given a certificate of participation or other documentation of completion of the activity stating the hours of continuing professional education credit earned.

2. Pre-Approved Continuing Professional Education Activities

Recognized Sponsors and Providers - The board may pre-approve without need of request continuing professional education activities offered by sponsors and providers whose past offerings, in the judgment of the board, have consistently conformed to the approval criteria set forth in Section 4(1) of this chapter. The board shall publish a current list of pre-approved sponsors and providers at the beginning of each license biennium and may update the list during the course of the biennium as necessary. In the case of pre-approved multidisciplinary sponsors and providers, continuing professional education credit may only be claimed for activities directly related to the practice of psychology. The board may monitor pre-approved activities for compliance with the approval criteria set forth in Section 4(1) of this chapter.

3. Specific Approval of Continuing Professional Education Activities

Continuing professional education activities described in Section 3(1)(A) – (C) of this chapter that are not pre-approved pursuant to Section 4(2) of this chapter must be specifically approved by the board as set forth below.

A. A request for approval of a continuing professional education activity may be filed by the sponsor or by an individual licensee. The request must be made on forms provided by the board and must include such information as the board may require.

B. A request for approval from a sponsor must be filed prior to the commencement of the activity for which approval is sought.

C. A request for approval from a licensee must be filed no less than 60 days prior to the end of the licensing biennium during which the activity took place.

D. The request must be accompanied by the fee prescribed in Chapter 10, Section 4(32) of the rules of the Department of Professional and Financial Regulation, Office of Licensing and Registration, entitled “Establishment of License Fees.”

5. Hardship Deferment

A licensee may request from the board in writing a deferment of continuing education due to health reasons, military service or other unforeseeable circumstances of genuine hardship. A licensee who receives a deferment shall make up the deferred continuing education according to a schedule determined by the board in consultation with the licensee.

6. Audit

The licensee's attestation of completion of continuing professional education is subject to audit pursuant to Chapter 13 of the rules of the Department of Professional and Financial Regulation, Office of Licensing and Registration, entitled "Uniform Rule for the Substantiation of Continuing Education Requirements." The licensee shall retain, for purposes of audit: (i) the certificate of participation or other documentation of completion described in Section 4(1)(F) of this chapter; (ii) the official or unofficial transcript of graduate level courses described in Section 3(1)(D) of this chapter; (iii) evidence of board approval of activities for which specific approval is required; (iv) and any corroborating or descriptive material that explains the nature and scope of a continuing education activity for which specific board approval is not required.

STATUTORY AUTHORITY: 32 M.R.S.A. § 3824(2) and (6)

EFFECTIVE DATE: July 1, 2008, provided that—

- (a) an applicant enrolled in an educational program or course of supervision on July 1, 2008 may qualify for licensure on the basis of the board's rules that go into effect on July 1, 2008 or on the basis of the immediate predecessor board rules; and
- (b) the continuing education requirements contained in Chapter 8 of the board's rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 9 – ETHICAL STANDARDS AND PRACTICE REQUIREMENTS

Summary: This chapter establishes ethical standards for psychologists and psychological examiners.

1. Codes of Ethics Adopted

The board adopts and incorporates into this chapter by reference the following codes of conduct as if they were fully set forth herein:

- Ethical Principles of Psychologists and Code of Conduct (American Psychological Association 2002), copies available from American Psychological Association Order Department, 750 First Street, NE, Washington, D.C. 20002-4242, (202) 336-5510, www.apa.org/ethics.
- Code of Conduct (Association of State and Provincial Psychology Boards 2005), copies available from Association of State and Provincial Psychology Boards, P.O. Box 241245, Montgomery, AL 36124-1245, (334) 832-4580, www.asppb.org/publications/model/conduct.aspx.

2. Maintenance and Retention of Records

1. Maintenance

Licensees shall maintain a record for each client that includes:

- A.** The name of the client and other identifying information;
- B.** The presenting problem(s) or purpose or diagnosis;
- C.** The fee arrangement;
- D.** The date and substance of each billed or service-count contractor service;
- E.** Any test results or other evaluative results obtained and any basic test data from which they were derived;
- F.** Notation and results of formal consults with other providers;
- G.** A copy of all test or other evaluative reports prepared as part of the professional relationship; and
- H.** Any releases executed by the client.

2. Retention

Licensees shall retain full client records for at least 5 years following the date of last contact with the client, and shall retain a treatment summary for at least 15 years following the date of last contact. In the case of clients who were minors on the date of last contact, full records must be retained until at least 3 years after the client has attained the age of majority, and the treatment summary must be retained until at least 15 years after the client has attained the age of majority.

3. Provision of Occasional Services by Psychologist Licensed in Another Jurisdiction

1. Notice

A psychologist not licensed by the board who provides “occasional services” as defined in Chapter 1, Section 13 of the board’s rules shall notify the board in writing each time the psychologist consults in Maine. Notification consists of the following items, on a form provided by the board:

- A.** The nature of the engagement;
- B.** Evidence of the psychologist’s license to practice psychology in another state or jurisdiction;
- C.** The name and contact information of the person or entity hiring the psychologist, including the supervisor of the psychologist;
- D.** The practice location and length of the engagement;
- E.** The psychologist’s agreement to abide by the laws of Maine governing the practice of psychology and the board’s rules during the performance of the engagement, including the provision of notice as required by this Section; and
- F.** The psychologist’s agreement to submit to the board’s jurisdiction with respect to services performed as part of the engagement.

2. Duration of Consultation

A psychologist licensed in another jurisdiction may ordinarily consult in Maine pursuant to this Section for no more than 10 days or parts thereof in a calendar year. Consultation in Maine beyond this 10-day period will only be permitted in exigent circumstances.

4. Notice of Change of Address

A licensee shall notify the board of a change of contact address by letter, fax or email no later than 10 days after the change.

STATUTORY AUTHORITY: 32 MRSA §§3816 and 3824(2)

EFFECTIVE DATE: July 1, 2008, provided that—

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- (b) the continuing education requirements contained in Chapter 8 of the board's rules are effective beginning with the May 1, 2008 – April 30, 2010 licensing biennium.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS****CHAPTER 10 – ENFORCEMENT AND DISCIPLINARY PROCEDURES**

Summary: This chapter specifies the enforcement and disciplinary procedures used by the board, sets forth grounds for discipline which interpret or supplement the statutory grounds for discipline contained in 10 MRSA §8003(5-A) and 32 MRSA §3837-A, and provides for the psychological evaluation of psychologists who may be impaired.

1. Disciplinary Procedure

The board will follow the procedures for investigating and processing complaints contained in the Administrative Complaint Procedure established by the Department of Professional and Financial Regulation, Office of Licensing and Registration for the professional and occupational licensing programs administered by OLR. The board may, in the exercise of its discretion, refer a complaint against a psychologist who provided occasional services in Maine pursuant to Chapter 9, Section 3 of the board's rules to the licensing authority of jurisdiction in the psychologist's home state of licensure.

[NOTE: Penalties for violation of the board's law and rules are set forth in 10 MRSA §8003(5-A).]

2. Grounds for Discipline**1. Violation of Code of Ethics**

Violation of any provision of a code of ethics or practice standard adopted in Chapter 9 of the board's rules constitutes a ground for discipline. In the event of any conflict or inconsistency between a code of ethics and this chapter, the provisions of this chapter govern.

2. Fraud or Deceit in Obtaining License

The practice of fraud or deceit in obtaining a license includes, but is not limited to:

- A.** Falsification or misrepresentation of education or experience of an applicant;
- B.** Falsification or misrepresentation of a recommendation from a consultant or peer;
- C.** Cheating on a licensure examination;
- D.** Intentionally withholding or misrepresenting any information requested on the application, including any information regarding criminal

E. Impersonating another applicant.

3. Licensure Action in Other Jurisdiction

Disciplinary action in another state or other jurisdiction against the licensee's license to practice psychology constitutes a ground for discipline.

4. Professional Misconduct

Professional misconduct in the practice of psychology includes, but is not limited to:

- A. Using alcohol or drugs with a client;
- B. Failing to report abuse or neglect of a child, or abuse, neglect or exploitation of an incapacitated or dependent adult, as mandated by state law;
- C. Maintaining client records which are substantially inaccurate or incomplete;
- D. Making repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed psychological services; and

5. Negligence; Incompetence

Negligence or incompetence in the practice of psychology includes, but is not limited to:

- A. Knowingly, recklessly or negligently causing physical or emotional harm to a client;
- B. Engaging in conduct which evidences a lack of knowledge or ability to apply principles or skills to carry out the practice of psychology;
- C. Practicing psychology in such a manner as to endanger the welfare of a client; and
- D. Functioning outside of one's professional competence established by education, training and experience.

6. Fraud or Deceit in the Practice of Psychology

The practice of fraud or deceit in connection with services rendered as a psychologist or psychological examiner includes, but is not limited to:

- A. Committing or aiding another to commit fraud;

- B. Falsifying client records; and
- C. Deceit or corruption in billing, payment or insurance reimbursement procedures.

7. Breach of Confidentiality

Disclosing a client's health care information in violation of 22 MRSA §1711-C constitutes a ground for discipline.

8. Refusal to Release Records; Excessive Fees

- A. Refusal to release treatment records as required by 22 MRSA §1711-B constitutes a ground for discipline.
- B. Charging excessive fees for treatment records in violation of 17 MRSA §1711-A constitutes a ground for discipline.

9. Breach of Responsibilities Related to Supervision and Consultation

Breach of supervision or consultation responsibilities includes, but is not limited to:

- A. Failure of a psychologist with supervisory responsibilities to provide adequate supervision of:
 - (1) A psychological examiner with intervention privileges in a manner consistent with Chapter 5, Section 3(4) of the board's rules;
 - (2) A conditional or temporary licensee in a manner consistent with Chapter 3, Section 6 of the board's rules;
 - (3) Another psychologist in the employment of or working under the direction of the psychologist, if the supervisor knew or in the exercise of reasonable diligence should have known of the acts or omissions of the supervisee;
 - (4) A predoctoral or postdoctoral supervisee in a manner consistent with Chapter 4, Section 2 of the board's rules, or a psychological examiner in training in the manner described in Chapter 5, Section 2 of the board's rules; or
 - (5) An unlicensed person who participates in the provision of psychological services in a manner consistent with Chapter 6 of the board's rules;
- B. Practice by a temporary or conditional psychologist or a psychological examiner performing intervention services in the absence of adequate supervision from a psychologist with supervisory responsibility; and

C. Failure of a psychologist with consulting, monitoring or supervisory responsibilities in connection with a board order or consent agreement to adequately perform the obligations of the engagement.

10. Aiding or Abetting Unlicensed Practice

Aiding or abetting a person not duly licensed to represent him/herself as a psychologist or psychological examiner includes, but is not limited to:

- A. Assisting another to perform services beyond the scope of the person's license or without a license;
- B. Knowingly supervising or providing consultation to an unlicensed person representing him/herself as licensed, or to a licensed person practicing beyond the scope of the license; and
- C. Knowingly making referrals to an unlicensed person representing him/herself as licensed, or to a licensed person practicing beyond the scope of the license.

11. Responsibility for Conduct of Personnel

A psychologist is responsible for the conduct of all unlicensed persons in the employment or under the direction of the psychologist who participate in the provision of psychological services.

12. Emotional, Physiologic or Pharmacologic Condition

A psychologist who practices when the psychologist is unable to practice with reasonable skill and safety to clients due to an emotional, physiologic or pharmacologic condition is subject to disciplinary action.

3. Evaluation for Impairment

1. Requirement for Evaluation

The board may order a psychological evaluation of a licensee if the board deems an evaluation necessary to determine whether the licensee is able to practice psychology with reasonable skill and safety to clients due to:

- A. Mental illness or psychological condition; or
- B. Substance abuse that has resulted in or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of clients.

The evaluation must be conducted by a psychologist selected by the board. The cost of the evaluation must be borne by the licensee.

2. Defense Raised by Licensee

When a licensee raises an issue of mental illness or psychological condition; emotional, physiologic or pharmacologic condition; or substance abuse as a defense in a disciplinary or licensing denial proceeding; the licensee may obtain a psychological evaluation of him/herself at the licensee's expense. If the objectivity or adequacy of the evaluation is suspect, the board may order an evaluation of the licensee by a psychologist selected by the board. The order must address payment and financial responsibility for the evaluation.

STATUTORY AUTHORITY: 32 MRSA §3824(2)

EFFECTIVE DATE: July 1, 2008, provided that—

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