

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 772 Session of  
2015

INTRODUCED BY GORDNER, BREWSTER, BLAKE, WOZNIAK, SCARNATI,  
MENSCH, YUDICHAK, RAFFERTY, McILHINNEY, BARTOLOTTA, SMITH AND  
ARGALL, MAY 1, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MAY 1, 2015

AN ACT

1 Amending the act of March 23, 1972 (P.L.136, No.52), entitled  
2 "An act relating to the practice of psychology, providing for  
3 licensing of psychologists, making certain acts illegal and  
4 providing penalties," further providing for definitions and  
5 for temporary license; allowing applicants to take test  
6 sooner; defining board's powers; making editorial changes;  
7 and making a repeal.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Sections 2, 3, 6, 8 and 8.1 of the act of March  
11 23, 1972 (P.L.136, No.52), known as the Professional  
12 Psychologists Practice Act, amended or added April 25, 1986  
13 (P.L.89, No.33), are amended to read:

14 Section 2. Definitions.--As used in this act:

15 "Board" means the State Board of Psychology in the Department  
16 of State.

17 "Commissioner" means the Commissioner of Professional and  
18 Occupational Affairs in the Department of State.

19 "Person" means an individual, corporation, partnership,

1 association, unincorporated organization or a government or any  
2 political subdivision, agency or instrumentality thereof.

3 "Practice of psychology" means offering to render or  
4 rendering to individuals, corporations, institutions,  
5 governmental agencies, or the public for remuneration any  
6 service involving the following:

7 (i) The application of established principles of learning,  
8 motivation, perception, thinking, and emotional relationships to  
9 problems of personality evaluation, group relations, and  
10 behavior adjustment. The application of said principles  
11 includes, but is not restricted to, counseling and the use of  
12 psychological methods with persons or groups with adjustment  
13 problems in the areas of work, family, school, and personal  
14 relationships; measuring and testing of personality,  
15 intelligence, aptitudes, and emotions, and offering services as  
16 a psychological consultant. Psychologists with appropriate  
17 education, training and experience may diagnose and use  
18 psychological methods in the treatment of a mental, emotional or  
19 nervous illness or disability; alcoholism and other substance  
20 abuse; disorders of habit or conduct; psychological aspects of  
21 physical illness, accident, injury or disability; and  
22 psychoeducational evaluation, therapy, remediation and  
23 consultation.

24 (ii) (a) "Measuring and testing," consisting of the  
25 psychological assessment and evaluation of abilities, attitudes,  
26 aptitudes, achievements, adjustments, motives, personality  
27 dynamics and/or other psychological attributes of individuals,  
28 or groups of individuals by means of standardized measurements  
29 or other methods, techniques or procedures recognized by the  
30 science and profession of psychology, (b) "psychological

1 methods," consisting of the application of principles of  
2 learning and motivation in an interpersonal situation with the  
3 objectives of modification of perception and adjustment, and  
4 requiring highly developed skills in the disciplines,  
5 techniques, and methods of altering through learning processes,  
6 attitudes, feelings, values, self-concept, personal goals and  
7 adaptive patterns, (c) "psychological consulting," consisting of  
8 interpreting or reporting upon scientific fact or theory in  
9 psychology, rendering expert psychological opinion,  
10 psychological evaluation, or engaging in applied psychological  
11 research.

12 Section 3. Necessity for License.--It shall be unlawful for  
13 any person to engage in the practice of psychology or to offer  
14 or attempt to do so or to hold himself out to the public by any  
15 title or description of services incorporating the words  
16 "psychological," "psychologist" or "psychology" unless he shall  
17 first have obtained a license pursuant to this act, except as  
18 hereinafter provided:

19 (1) Simple acts of persuasion or suggestion by one person to  
20 another, or to a group.

21 (2) Persons licensed to practice any of the other healing  
22 arts in this Commonwealth shall be exempt from the provisions of  
23 this act. Nothing in this act shall be construed to limit the  
24 practice of persons licensed to practice any of the other  
25 healing arts in any way. Nothing [herein] in this act shall be  
26 construed as authorizing any person licensed as a psychologist  
27 to engage in any manner in the practice of any of the other  
28 healing arts as defined in the laws of this Commonwealth on the  
29 effective date of this act. The psychologist who engages in  
30 practice shall assist his client in obtaining professional help

1 for all relevant aspects of his problem that fall outside the  
2 boundaries of the psychologist's own competence. Provision must  
3 be made for the diagnosis and treatment of relevant health care  
4 problems by an appropriate qualified practitioner of the other  
5 healing arts. Nothing in this act shall be construed as  
6 extending to a person licensed as a psychologist any authority  
7 or rights which are not granted under this act.

8 (3) Nothing in this act shall be construed to prevent  
9 qualified members of other recognized professions, including,  
10 but not limited to, clergy, drug and alcohol abuse counselors,  
11 mental health counselors, social workers, [marriage counselors,  
12 family counselors,] crisis intervention counselors, marriage and  
13 family therapists, pastoral counselors, rehabilitation  
14 counselors and psychoanalysts, from doing work of a  
15 psychological nature consistent with the training and the code  
16 of ethics of their respective professions or to prevent  
17 volunteers from providing services in crisis or emergency  
18 situations.

19 (4) Nothing in this act shall be construed to limit the  
20 practice of psychology or use of an official title on the part  
21 of a person employed as a psychologist by a Federal[, State,  
22 county, or municipal] agency[, or other political subdivisions,]  
23 or those persons certified and employed as school psychologists  
24 in the public and private schools of the Commonwealth or in a  
25 facility or as part of an educational program regulated by the  
26 Department of Education, in so far as such practice is a part of  
27 the normal function of his position or is performed on behalf of  
28 or according to the usual expectations of his employer.

29 [(5) Nothing in this act is to be construed as restricting  
30 the use of the term "social psychologist" by any person who

1 meets the qualifications specified in section 6.]

2       (6) Nothing in this act shall be construed to limit the  
3 practice of psychology or use of an official title on the part  
4 of a member of the faculty or staff of a duly accredited  
5 university, college[, hospital] or State-approved nonpublic  
6 school in so far as such practice is a part of the normal  
7 function of his position or is performed on behalf of or  
8 according to the usual expectations of his employer. Nothing in  
9 this act shall be construed to limit the practice of psychology  
10 or use of an official title on the part of a student, intern or  
11 resident in psychology, pursuing a course of study in a duly  
12 accredited university, college or hospital or similar training  
13 facility for the qualified training of psychologists, provided  
14 that such practice and use of title constitute a part of his  
15 supervised course of study, and he is designated by such titles  
16 as "psychology intern," "psychology trainee," or other title  
17 clearly indicating such training status. Nothing in this act  
18 shall be construed to limit the activities of a faculty or staff  
19 member of a duly accredited university, college, or hospital, or  
20 research unit of a duly recognized business or industrial firm  
21 or corporation, in the performance of experimental and  
22 scientific research activities for the primary purpose of  
23 contributing to or enlarging upon scientific principles of  
24 psychology. Nothing in this act shall be construed to limit the  
25 use of the term "psychology," "psychologist," or  
26 "psychological," in connection with the aforementioned  
27 experimental or scientific research activities or for the  
28 purpose of publication of the research findings in professional  
29 and scientific journals, or for the purpose of providing  
30 scientific information to any user of such information.

1       (7) Nothing in this act shall be construed to prohibit the  
2 practice of psychology by a person who, in the opinion of the  
3 board meets the minimum qualifications for licensure under this  
4 act, provided said person is on temporary assignment in this  
5 Commonwealth, as temporary is defined by board regulation.

6       (7.1) The board may issue a temporary license to an  
7 applicant for licensure as a psychologist who holds a similar or  
8 current license from another state, province or territory and  
9 whose standards, in the opinion of the board, are substantially  
10 equivalent to those required under this act. The board may  
11 refuse a temporary license to a psychologist who is the subject  
12 of past or pending disciplinary action in another jurisdiction.

13       (8) Nothing in this act shall be construed to prohibit  
14 employes of business and industrial organizations from applying  
15 the principles of psychology described in section 2 to the  
16 employment placement, evaluation, selection, promotion or job  
17 adjustment of their own officers or employes or those of any  
18 associated organization. No business or industrial firm or  
19 corporation may sell or offer to the public or to individuals or  
20 to other firms or corporations for remuneration any  
21 psychological acts or services as are part of the practice of  
22 psychology unless such services are performed by individuals  
23 duly and appropriately licensed under this act.

24       (9) Nothing in this act shall be construed to limit the  
25 activities of a clerical or administrative employe in the  
26 performance of duties incidental to and necessary to the work of  
27 a psychologist, provided that the clerical or administrative  
28 employe acts at all times under the supervision of a licensed  
29 psychologist, and provided further that the employe does not  
30 assume to the independent practice of psychology.

1 [(10) Nothing in this act shall be construed to prohibit a  
2 school psychologist certified by the Department of Education  
3 from performing in private practice those acts which he is  
4 permitted to perform in the public and private schools of the  
5 Commonwealth.]

6 (10.1) A person who on the effective date of this clause has  
7 completed all requirements for certification as an Educational  
8 Specialist I or II in school psychology issued by the Department  
9 of Education or one who is enrolled in a program leading to  
10 certification as an Educational Specialist I or II in school  
11 psychology within one year after the effective date of this  
12 clause may perform in private practice an act which the person  
13 is permitted to perform in the public and private schools of  
14 this Commonwealth if the person satisfies the following:

15 (i) the person is employed by a public or private school in  
16 this Commonwealth or by a facility or as part of an educational  
17 program regulated by the Department of Education; and

18 (ii) holds a valid certificate as an Educational Specialist  
19 I or II in school psychology issued by the Department of  
20 Education that is in good standing.

21 (11) Nothing in this act shall be construed to prohibit a  
22 psychologist licensed under this act from employing and  
23 supervising postdoctoral individuals completing the experience  
24 requirement for licensure who shall be designated as "psychology  
25 interns," "psychology residents" or "psychological trainees."  
26 Such individuals shall perform their duties under the full  
27 direction, control and supervision of a licensed psychologist,  
28 pursuant to regulations of the board.

29 (12) Nothing in this act shall be construed to prohibit a  
30 psychologist licensed under this act from employing professional

1 employees with graduate training in psychology. Such individuals  
2 shall perform their duties under the full direction, control and  
3 supervision of a licensed psychologist, pursuant to regulations  
4 of the board.

5 Section 6. Qualifications for License.--(a) An applicant  
6 shall be qualified for a license to practice psychology after  
7 submission of proof satisfactory to the board that the  
8 applicant:

9 (1) is of acceptable moral character; and

10 (2) is either (i) a graduate of an accredited college or  
11 university holding a degree of Doctor of Philosophy in  
12 psychology, Doctor of Psychology, or Doctor of Education in  
13 psychology and has not less than two years of supervised  
14 experience[, at least one of which was obtained subsequent to  
15 the granting of the doctoral degree], provided that such  
16 experience is acceptable to the board pursuant to criteria  
17 established by board regulations, or (ii) a graduate of an  
18 accredited college or university holding a doctoral degree in a  
19 field related to psychology and has not less than two years of  
20 supervised experience[, at least one of which was obtained  
21 subsequent to the granting of the doctoral degree], provided  
22 such experience and training are acceptable to the board as  
23 being equivalent to the above pursuant to criteria established  
24 by board regulations; and

25 (3) has passed an examination duly adopted by the board; and

26 (4) has paid all appropriate fees in the amount determined  
27 by the board by regulation; and

28 (5) has not been convicted of a felony under the act of  
29 April 14, 1972 (P.L.233, No.64), known as "The Controlled  
30 Substance, Drug, Device and Cosmetic Act," or of an offense



1 under the laws of another jurisdiction which if committed in  
2 this Commonwealth would be a felony under "The Controlled  
3 Substance, Drug, Device and Cosmetic Act," unless:

4 (i) at least ten years have elapsed from the date of  
5 conviction;

6 (ii) the applicant satisfactorily demonstrates to the board  
7 that he has made significant progress in personal rehabilitation  
8 since the conviction such that licensure of the applicant should  
9 not be expected to create a substantial risk of harm to the  
10 health and safety of his patients or the public or a substantial  
11 risk of further criminal violations; and

12 (iii) the applicant otherwise satisfies the qualifications  
13 contained in or authorized by this act.

14 As used in this clause the term "convicted" shall include a  
15 judgment, an admission of guilt or a plea of nolo contendere.

16 (b) Each applicant shall submit an affidavit or affirmation  
17 of the applicant as to the verity of the application. Any  
18 applicant who knowingly or willfully makes a false statement of  
19 fact in his application shall be subject to prosecution for  
20 perjury.

21 (c) In case of failure at any examination, the applicant  
22 shall have[, after the expiration of six months and within two  
23 years,] the privilege of a second examination by the board with  
24 the payment of an additional fee. The board may adopt  
25 regulations governing the eligibility of applicants who have  
26 failed to pass two examinations in order to be admitted to  
27 subsequent examinations.

28 Section 8. Refusal, Suspension or Revocation of License.--

29 (a) The board may refuse to issue a license or may suspend,  
30 revoke, limit or restrict a license or reprimand a licensee for

1 any of the following reasons:

2 (1) Failing to demonstrate the qualifications or standards  
3 for a license contained in this act or regulations of the board.

4 (2) Making misleading, deceptive, untrue or fraudulent  
5 representations in the practice of psychology.

6 (3) Practicing fraud or deceit in obtaining a license to  
7 practice psychology.

8 (4) Displaying gross incompetence, negligence or misconduct  
9 in carrying on the practice of psychology.

10 (5) Submitting a false or deceptive biennial registration to  
11 the board.

12 (6) Being convicted of a felony in any state or Federal  
13 court or being convicted of the equivalent of a felony in any  
14 foreign country, or being convicted of a misdemeanor in the  
15 practice of psychology. As used in this clause the term  
16 "convicted" includes a finding or verdict of guilt, an admission  
17 of guilt or a plea of nolo contendere or receiving probation  
18 without verdict, disposition in lieu of trial or an Accelerated  
19 Rehabilitative Disposition in the disposition of felony charges.

20 (7) Having a license to practice psychology suspended,  
21 revoked or refused or receiving other disciplinary action by the  
22 proper psychology licensing authority of another state,  
23 territory or country.

24 (8) Being unable to practice psychology with reasonable  
25 skill and safety by reason of illness, drunkenness, excessive  
26 use of drugs, narcotics, chemicals or any other type of  
27 material, or as a result of any mental or physical condition. In  
28 enforcing this clause, the board shall, upon probable cause,  
29 have authority to compel a psychologist to submit to a mental or  
30 physical examination by a physician or a psychologist approved

1 by the board. Failure of a psychologist to submit to such  
2 examination when directed by the board, unless such failure is  
3 due to circumstances beyond his or her control, shall constitute  
4 an admission of the allegations against him or her, consequent  
5 upon which a default and final order may be entered without the  
6 taking of testimony or presentation of evidence. A psychologist  
7 affected under this clause shall at reasonable intervals, as  
8 determined by the board, be afforded an opportunity to  
9 demonstrate that he or she can resume a competent practice of  
10 psychology with reasonable skill and safety.

11 (9) Violating a lawful regulation promulgated by the board,  
12 including, but not limited to, ethical regulations, or violating  
13 a lawful order of the board previously entered in a disciplinary  
14 proceeding.

15 (10) Knowingly aiding, assisting, procuring or advising any  
16 unlicensed person to practice psychology, contrary to this act  
17 or regulations of the board.

18 (11) Committing immoral or unprofessional conduct.  
19 Unprofessional conduct shall include any departure from, or  
20 failure to conform to, the standards of acceptable and  
21 prevailing psychological practice. Actual injury to a client  
22 need not be established.

23 (12) Soliciting any engagement to perform professional  
24 services by any direct, in-person or uninvited soliciting  
25 through the use of coercion, duress, compulsion, intimidation,  
26 threats, overreaching or harassing conduct.

27 (13) Failing to perform any statutory obligation placed upon  
28 a licensed psychologist.

29 (14) Intentionally submitting to any third-party payor a  
30 claim for a service or treatment which was not actually provided

1 to a client.

2 (15) Failing to maintain professional records in accordance  
3 with regulations prescribed by the board.

4 (b) When the board finds that the license or application for  
5 license of any person may be refused, revoked, restricted or  
6 suspended under the terms of subsection (a), the board may:

7 (1) Deny the application for a license.

8 (2) Administer a public reprimand.

9 (3) Revoke, suspend, limit or otherwise restrict a license  
10 as determined by the board.

11 (4) Require a licensee to submit to the care, counseling or  
12 treatment of a physician or a psychologist designated by the  
13 board.

14 (5) Suspend enforcement of its findings thereof and place a  
15 licensee on probation with the right to vacate the probationary  
16 order for noncompliance.

17 (6) Restore a suspended license to practice psychology and  
18 impose any disciplinary or corrective measure which it might  
19 originally have imposed.

20 (7) Take other action as the board in the board's discretion  
21 considers proper, including precluding a suspended licensee from  
22 engaging in counseling or any other form of mental health  
23 practice.

24 (c) All actions of the board shall be taken subject to the  
25 right of notice, hearing and adjudication and the right of  
26 appeal therefrom in accordance with Title 2 of the Pennsylvania  
27 Consolidated Statutes (relating to administrative law and  
28 procedure).

29 (d) The board shall temporarily suspend a license under  
30 circumstances as determined by the board to be an immediate and

1 clear danger to the public health and safety. The board shall  
2 issue an order to that effect without a hearing, but upon due  
3 notice to the licensee concerned at his or her last known  
4 address, which shall include a written statement of all  
5 allegations against the licensee. The provisions of subsection  
6 (c) shall not apply to temporary suspension. The board shall  
7 thereupon commence formal action to suspend, revoke or restrict  
8 the license of the person concerned as otherwise provided for in  
9 this act. All actions shall be taken promptly and without delay.  
10 Within thirty days following the issuance of an order  
11 temporarily suspending a license, the board shall conduct, or  
12 cause to be conducted, a preliminary hearing to determine that  
13 there is a prima facie case supporting the suspension. The  
14 licensee whose license has been temporarily suspended may be  
15 present at the preliminary hearing and may be represented by  
16 counsel, cross examine witnesses, inspect physical evidence,  
17 call witnesses, offer evidence and testimony and make a record  
18 of the proceedings. If it is determined that there is not a  
19 prima facie case, the suspended license shall be immediately  
20 restored. The temporary suspension shall remain in effect until  
21 vacated by the board but in no event longer than one hundred  
22 eighty days.

23 (e) A license issued under this act shall automatically be  
24 suspended upon the legal commitment of a licensee to an  
25 institution because of mental incompetence from any cause upon  
26 filing with the board of a certified copy of such commitment,  
27 conviction of a felony under the act of April 14, 1972 (P.L.233,  
28 No.64), known as "The Controlled Substance, Drug, Device and  
29 Cosmetic Act," or conviction of an offense under the laws of  
30 another jurisdiction, which, if committed in Pennsylvania, would

1 be a felony under "The Controlled Substance, Drug, Device and  
2 Cosmetic Act." As used in this section the term "conviction"  
3 shall include a judgment, an admission of guilt or a plea of  
4 nolo contendere. Automatic suspension under this section shall  
5 not be stayed pending an appeal of conviction. Restoration of  
6 such license shall be made as provided in this act for  
7 revocation or suspension of such license.

8 Section 8.1. Reporting of Multiple Licensure.--Any licensed  
9 psychologist of this Commonwealth who is also licensed to  
10 practice psychology or another health profession in any other  
11 state, territory or country shall report this information to the  
12 board on the biennial registration application. Any disciplinary  
13 action taken in any other state, territory or country shall be  
14 reported to the board on the biennial registration application  
15 or within ninety days of disposition, whichever is sooner.  
16 Multiple licensure shall be noted by the board on the  
17 psychologist's record, and such state, territory or country  
18 shall be notified by the board of any disciplinary actions taken  
19 against said psychologist in this Commonwealth.

20 Section 2. Repeals are as follows:

21 (1) The General Assembly declares that the repeal under  
22 paragraph (2) is necessary to effectuate the amendment of  
23 sections 2, 3, 6, 8 and 8.1 of the act.

24 (2) Section 20 of the act of April 25, 1986 (P.L.89,  
25 No.33), entitled "An act amending the act of March 23, 1972  
26 (P.L.136, No.52), entitled 'An act relating to the practice  
27 of psychology, providing for licensing of psychologists,  
28 making certain acts illegal and providing penalties,'" is  
29 repealed.

30 Section 3. This act shall take effect as follows:

1           (1) The addition of clause (10.1) of section 3 of the  
2   act shall take effect June 30, 2017, or immediately,  
3   whichever is later.

4           (2) This section shall take effect immediately.

5           (3) The remainder of this act shall take effect in 60  
6   days.