

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 734  
HOUSE BILL 1022

AN ACT TO MAKE CERTAIN TECHNICAL AND OTHER AMENDMENTS TO  
THE PRACTICING PSYCHOLOGISTS' LICENSING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-270.4(a), as the same appears in the 1983 Supplement to the 1981 Replacement Volume 2C of the General Statutes of North Carolina, is hereby amended by inserting in line 7 of the second paragraph thereof, after the word "department" and before the word "who" the words "or an employee whose employment is included under the State Personnel Act".

Sec. 2. G.S. 90-270.4(a1) is hereby rewritten to read as follows:

"(a1) Nothing in this Article shall be construed as limiting State or local governmental programs from hiring nonlicensed applicants qualified for psychology positions, providing that the person hired has not previously been denied licensure on grounds applicable at the time of his employment by the governmental program and providing that the person hired makes application for a license in North Carolina within six months of being employed by the governmental program. After making application for a license, employees hired under this provision must take the first examination for a license to which they are admitted by the Board, and if the employee fails the examination, the employee must pass the examination the next time it is given to remain employed in a psychology position. An employee hired under this provision who fails the examination or leaves the governmental program after six months without making application for a license may not subsequently be hired by another governmental program without first becoming licensed."

Sec. 3. G.S. 90-270.4 is amended by adding a new subsection (a2) and a new subsection (g) as follows:

"(a2) Persons certified by the State Board of Education as school psychologists and employed by the Department of Public Instruction or local boards of education are not required to be licensed under this Article in order to perform the duties for which they are employed by the Department of Public Instruction or local boards of education, and nothing in this Article shall be construed as limiting their activities, services or titles while performing those duties for which they are employed by the Department of Public Instruction or local boards of education. If a person certified by the State Board of Education as a school psychologist and employed by the Department of Public Instruction or a local board of education is or becomes licensed as a practicing psychologist under this Article, he or she shall be required to comply with all conditions, requirements and obligations imposed by statute or by Board rules and

regulations upon all other practicing psychologists licensed under this Article as a condition to retaining that license. Other provisions of this Article notwithstanding, if a person certified by the State Board of Education as a school psychologist and employed by the Department of Public Instruction or a local board of education is or becomes licensed as a psychological associate under this Article, he or she shall not be required to comply with the supervision requirements otherwise applicable to psychological associates by Board rules and regulations or by this Article in the course of his or her employment with the Department of Public Instruction or a local board of education, but he or she shall be required to comply with all other conditions, requirements and obligations imposed by statute or a local board of education or by Board rules and regulations upon all other psychological associates licensed under this Article as a condition to retaining that license.

(g) Except as otherwise provided in this Article, if a person exempt from the provisions of this Article and not required to be licensed under this Article is or becomes licensed under this Article, he or she shall be required to comply with all conditions, requirements and obligations imposed by Board rules and regulations or by statute upon all other psychologists licensed under this Article."

Sec. 4. G.S. 90-270.5(d), as the same appears in the 1981 Replacement Volume 2C of the General Statutes, is hereby amended by adding at the end thereof the following:

"If the psychologist ceases to practice at any time before completion of the two years of acceptable and appropriate supervised experience, the Board may place the psychologist on inactive status, during which time supervision will not be required. In the event a practicing psychologist issued a temporary license under this subsection is placed on inactive status or practices on a part-time basis, the Board may renew the temporary license as necessary until such time as the psychologist has completed the equivalent of two years' full-time practice under acceptable and appropriate supervision as defined by the Board."

Sec. 5. G.S. 90-270.7, as the same appears in the 1981 Replacement Volume 2C of the General Statutes, is hereby rewritten to read as follows:

**"§ 90-270.7. Qualifications of Board members.**—Each member of the Board shall have the following qualifications:

- (1) Be a resident of this State and a citizen of the United States;
- (2) Except for public members, hold either a license as a practicing psychologist or a license as a psychological associate issued under this Article;
- (3) Except for public members, be at the time of his appointment, and shall have been for at least five years prior thereto, actively engaged as a psychologist in one or more branches of psychology or in the education and training of master's, doctoral or postdoctoral students of psychology or in psychological research, and such activity during the two years preceding appointment shall have occurred primarily in this State."

Sec. 6. G.S. 90-270.9 is hereby rewritten to read as follows:

**"§ 90-270.9. Election of officers; meetings; adoption of seal and appropriate rules; powers of the Board.**—The Board shall annually elect the chairman and vice-chairman from among its membership. The Board shall meet annually, at a time set by the Board,

in the City of Raleigh, and it may hold additional meetings and conduct business at any place in the State. Four members of the Board shall constitute a quorum. The Board may empower any member to conduct any proceeding or investigation necessary to its purposes and may empower its agent or counsel to conduct any investigation necessary to its purposes, but any final action requires a quorum of the Board. The Board may order that any records concerning the provision of psychological services relevant to a complaint received by the Board or an inquiry or investigation conducted by or on behalf of the Board be produced before the Board or for inspection and copying by representatives of or counsel to the Board by the custodian of such records. The Board shall adopt an official seal, which shall be affixed to all licenses issued by it. The Board shall make such rules and regulations not inconsistent with law, as may be necessary to regulate its proceedings and otherwise to implement the provisions of this Article."

Sec. 7. G.S. 90-270.11(a)(1) and (b)(1) are hereby amended by deleting on the third and fourth lines the words and numerals "not more than one hundred twenty dollars (\$120.00)," and inserting in lieu thereof the words and numerals "not more than one hundred fifty dollars (\$150.00)". G.S. 90-270.11(a)(2) is amended by deleting the phrase "one hundred twenty dollar (\$120.00)" and substituting "one hundred fifty dollars (\$150.00)".

Sec. 8. G.S. 90-270.14, as the same appears in the 1981 Replacement Volume 2C of the General Statutes, is hereby amended by deleting from the fourth line thereof, on the second line of subdivision (1), the words and numerals "twenty dollars (\$20.00)" and inserting in lieu thereof the words and numerals "not more than thirty-five dollars (\$35.00)." and by deleting from line 5 of the section, on the third line of subdivision (1), the words and numerals "two dollars (\$2.00)" and inserting in lieu thereof the words and numerals "not more than fifteen dollars (\$15.00)".

Sec. 9. G.S. 90-270.15 is hereby rewritten to read as follows:

**"§ 90-270.15. Refusal, suspension, or revocation of licenses.**—(a) A license applied for, or issued under this Article may be refused, suspended, revoked, or otherwise limited, as provided in subsection (e) below, by the Board upon proof that the person to whom the license was issued:

- (1) Has been convicted of a felony; or
- (2) Has been convicted of a misdemeanor involving moral turpitude or involving misrepresentation or fraud in dealing with the public or otherwise relevant to his fitness to practice psychology; or
- (3) Has engaged in fraud or deceit in securing or attempting to secure a license under this Article or the renewal thereof or has willfully concealed from the Board material information in connection with application for a license under this Article or the renewal thereof; or
- (4) Is a habitual drunkard or is addicted to the use of deleterious habit-forming drugs; or
- (5) Has practiced any fraud, deceit, or misrepresentation upon the public or upon any individual in connection with the practice of psychology or the offer of psychological services or in any manner otherwise relevant to his fitness for the practice of psychology; or

- (6) Has made fraudulent or misleading statements pertaining to his education, licensure, professional credentials, or related to his qualifications or fitness for the practice of psychology to the public, any individual, or any organization; or
- (7) Has had a license for the practice of psychology in any other state, or territory of the United States, or any other country, suspended or revoked; or
- (8) Has been guilty of unprofessional conduct as defined by the then-current code of ethics published by the American Psychological Association; or
- (9) Has violated any provision of this Article or of the duly adopted rules and regulations of the Board; or
- (10) Has employed a psychologist who has no valid license or temporary license issued under this Article.

(b) A license issued under this Article shall be automatically suspended by the Board after failure to renew a license for a period of more than three months after the annual renewal date.

(c) Except as provided otherwise in this Article, the procedure for revocation, suspension, refusal, or other limitations of the license shall be in accordance with the provisions of Chapter 150A of the General Statutes. In any proceeding before the Board, in any record of any hearing before the Board, in any complaint or notice of charges against any licensee or applicant for licensure, and in any decision rendered by the Board, the Board may withhold from public disclosure the identity of any clients or patients who have not consented to the public disclosure of treatment by the licensee or psychologist. The Board may close a hearing to the public and receive in executive session evidence involving or concerning the treatment or delivery of psychological services to a client or a patient who has not consented to the public disclosure of such treatment or services as may be necessary for the protection and rights of such patient or client of the accused psychologist and the full presentation of relevant evidence. All records, papers and other documents containing information collected and compiled by or on behalf of the Board, as a result of investigations, inquiries or interviews conducted in connection with licensing or disciplinary matters will not be considered public records within the meaning of Chapter 132 of the General Statutes; provided, however, that any notice or statement of charges against any licensee or applicant, or any notice to any licensee or applicant of a hearing in any proceeding, or any decision rendered in connection with a hearing in any proceeding, shall be a public record within the meaning of Chapter 132 of the General Statutes, notwithstanding that it may contain information collected and compiled as a result of such investigation, inquiry, or hearing except that identifying information concerning the treatment or delivery of services to a patient or client who has not consented to the public disclosure of such treatment or services may be deleted; and provided, further, that if any such record, paper or other document containing information theretofore collected and compiled by or on behalf of the Board, as hereinbefore provided, is received and admitted in evidence in any hearing

before the Board, it shall thereupon be a public record within the meaning of Chapter 132 of the General Statutes, subject to any deletions of identifying information concerning the treatment or delivery of psychological services to a patient or client who has not consented to the public disclosure of such treatment or services.

(d) A person whose license has been refused or revoked under the terms of this section may reapply to the Board for licensure after the passage of one calendar year from the date of such revocation. The Board may reinstate a suspended license upon payment of a special fee of fifteen dollars (\$15.00), and may require that the applicant file a new application, furnish new supervisory reports or references or otherwise update his credentials, or submit to reexamination for reinstatement.

(e) Upon proof that an applicant or licensee under this Article has engaged in any of the prohibited actions specified in subsection (a) above, the Board may, in lieu of refusal, suspension, or revocation, issue a formal reprimand or formally censure the applicant or licensee, may place the applicant or licensee upon probation with such appropriate conditions upon the continued practice as the Board may deem advisable, or may limit or circumscribe the professional psychological services provided by the applicant or licensee with respect to the extent, nature, or location of his practice as the Board deems advisable. The Board may impose such conditions of probation or restrictions upon continued practice at the conclusion of a period of suspension or as requirements for the restoration of a revoked or suspended license. In lieu of or in connection with any disciplinary proceedings or investigation, the Board may enter into a consent order relative to the discipline, censure, probation or limitation of a licensee or applicant for a license."

Sec. 10. Article 18A of Chapter 90 of the North Carolina General Statutes, known as the "Practicing Psychologists Licensing Act," is hereby amended by adding a new section thereto to be numbered G.S. 90-270.20 and to read as follows:

**"§ 90-270.20. Duplicate and replacement licenses.**—A licensee may request the Board to issue a duplicate or replacement license for a fee set by the Board not to exceed twenty dollars (\$20.00). Upon receipt of the request and a showing of good cause for the issuance of a duplicate replacement license, and payment of the fee, the Board shall issue a duplicate or replacement license."

Sec. 11. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.