

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 890

Short Title: Amend Psychology Practice Act. (Public)

Sponsors: Representatives Jordan, Zachary, and Malone (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Finance

April 26, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH INACTIVE LICENSURE STATUS, TO REVISE RECORD
3 RETENTION REQUIREMENTS, AND TO INCREASE FEES UNDER THE
4 PSYCHOLOGY PRACTICE ACT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 18A of Chapter 90 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 90-270.14A. Inactive status.**

9 (a) The Board shall place a license on inactive status upon request of a licensee and
10 payment of the inactive status fee prescribed in G.S. 90-270.18(b)(10). No person shall practice
11 psychology in North Carolina unless that person holds a current active license. The Board may
12 investigate complaints and take disciplinary action against an inactive status licensee. An
13 inactive status license shall only be issued to a person who has previously been issued a license
14 to practice psychology in North Carolina. Licensees on inactive status shall not hold themselves
15 out to the public as licensed by the Board.

16 (b) In order to maintain inactive status, the inactive status fee prescribed in
17 G.S. 90-270.18(b)(10) shall be paid at every renewal period. The inactive status licensee is
18 exempt from continuing education requirements set forth in G.S. 90-270.14(a)(2).

19 (c) A licensee on inactive status may reactivate licensure by completing an application
20 for reactivation, paying the reactivation fee prescribed in G.S. 90-270.18(b)(11), and
21 completing any other reactivation requirements set forth by Board rules, which may include a
22 criminal history record check, continuing education, fitness to practice evaluation, examination,
23 and supervision."

24 **SECTION 2.** G.S. 90-270.15(a) reads as rewritten:

25 "**§ 90-270.15. Denial, suspension, or revocation of licenses and health services provider**
26 **certification, and other disciplinary and remedial actions for violations of the**
27 **Code of Conduct; relinquishing of license.**

28 (a) Any applicant for licensure or health services provider certification and any person
29 licensed or certified under this Article shall have behaved in conformity with the ethical and
30 professional standards specified in this Code of Conduct and in the rules of the Board. The
31 Board may deny, suspend, or revoke licensure and certification, and may discipline, place on
32 probation, limit practice, and require examination, remediation, and rehabilitation, or any
33 combination thereof, all as provided for in subsection (b) below. The Board shall act upon
34 proof that the applicant or licensee engaged in illegal, immoral, dishonorable, unprofessional,
35 or unethical conduct by violating any of the provisions of the Code of Conduct as follows:



- 1 ...
- 2 (6) Has had a license or certification for the practice of psychology or other
- 3 mental health profession in this State or in any other jurisdiction suspended
- 4 or revoked, or has been disciplined by ~~the~~ a licensing or certification board
- 5 in this State or in any other jurisdiction for conduct which would subject him
- 6 or her to discipline under this Article;
- 7 ...
- 8 (18) Except when prevented from doing so by circumstances beyond the
- 9 psychologist's control, has failed to retain securely and confidentially the
- 10 complete case record for at least seven years from the date of the last
- 11 provision of psychological services; ~~or, except when prevented from doing~~
- 12 ~~so by circumstances beyond the psychologist's control, has failed to retain~~
- 13 ~~securely and confidentially the complete case record for three years from the~~
- 14 ~~date of the attainment of majority age by the patient or client or for at least~~
- 15 ~~seven years from the date of the last provision of psychological services,~~
- 16 ~~whichever is longer;~~ services; or, except when prevented from doing so by
- 17 circumstances beyond the psychologist's control, has failed to retain securely
- 18 and confidentially the complete case record indefinitely if there are pending
- 19 legal or ethical matters or if there is any other compelling circumstance;

...."

SECTION 3. G.S. 90-270.18(b) reads as rewritten:

- 22 "(b) Fees for activities specified by this Article are as follows:
- 23 (1) Application fees for licensed psychologists and licensed psychological
- 24 associates per G.S. 90-270.11(a) and (b)(1), or G.S. 90-270.13, shall ~~not~~
- 25 ~~exceed one hundred dollars (\$100.00)~~ be the cost of application as set by the
- 26 vendor, if applicable, plus an additional fee not to exceed three hundred
- 27 dollars (\$300.00). The Board may require applicants to pay the fee directly
- 28 to the vendor.
- 29 (2) Fees for the national written examination shall be the cost of the examination
- 30 as set by the vendor plus an additional fee not to exceed fifty dollars
- 31 (\$50.00). The Board may require applicants to pay the fee directly to the
- 32 vendor.
- 33 (3) Fees for additional examinations shall be as prescribed by the Board.
- 34 (4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not exceed
- 35 ~~two hundred fifty dollars (\$250.00)~~ four hundred dollars (\$400.00) per
- 36 biennium. This fee may not be prorated.
- 37 (5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be ~~twenty-five~~
- 38 ~~dollars (\$25.00)~~ seventy-five dollars (\$75.00).
- 39 (6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall not
- 40 exceed ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00).
- 41 (7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be ~~twenty-five~~
- 42 ~~dollars (\$25.00)~~ seventy-five dollars (\$75.00).
- 43 (8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g), shall be
- 44 ~~thirty-five dollars (\$35.00)~~ fifty dollars (\$50.00).
- 45 (9) Application fees for a health services provider certificate, per
- 46 G.S. 90-270.20, shall be ~~fifty dollars (\$50.00)~~ one hundred dollars
- 47 (\$100.00).
- 48 (10) Fees to place a license on inactive status, per G.S. 90-270.14A, shall not
- 49 exceed one hundred dollars (\$100.00) for every renewal period.
- 50 (11) Fees for reactivation of an inactive status license, per G.S. 90-270.14A(c),
- 51 shall not exceed three hundred dollars (\$300.00)."

1 **SECTION 4.** G.S. 90-270.22(a) reads as rewritten:

2 "**§ 90-270.22. Criminal history record checks of applicants for licensure and licensees.**

3 (a) The Board may request that an applicant for ~~licensure or reinstatement of a license~~
4 ~~licensure, reinstatement, or reactivation of a license,~~ or that a licensed psychologist or
5 psychological associate currently under investigation by the Board for allegedly violating this
6 ~~Article~~ ~~Article,~~ consent to a criminal history record check. Refusal to consent to a criminal
7 history record check may constitute grounds for the Board to deny ~~licensure or reinstatement~~
8 ~~licensure, reinstatement, or reactivation~~ of a license to an applicant or take disciplinary action
9 against a licensee, including revocation of a license. The Board shall be responsible for
10 providing to the North Carolina Department of Public Safety the fingerprints of the applicant or
11 licensee to be checked, a form signed by the applicant or licensee consenting to the criminal
12 record check and the use of fingerprints and other identifying information required by the State
13 or National Repositories, and any additional information required by the Department of Public
14 Safety. The Board shall keep all information obtained pursuant to this section confidential.

15 The Board shall collect any fees required by the Department of Public Safety and shall
16 remit the fees to the Department of Public Safety for the cost of conducting the criminal history
17 record check."

18 **SECTION 5.** This act becomes effective October 1, 2017.