

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1262 of the Regular Session

1 State of Arkansas

As Engrossed: S3/15/05 S3/17/05

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 2105

4
5 By: Representatives Bradford, Mahony

6 By: Senators Steele, J. Jeffress

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9 **For An Act To Be Entitled**

10 AN ACT TO CLARIFY THE PRACTICE OF
11 NEUROPSYCHOLOGY; TO PROVIDE FOR THE HIRING OF
12 TECHNICIANS BY PSYCHOLOGISTS PRACTICING
13 NEUROPSYCHOLOGY; AND FOR OTHER PURPOSES.

14
15 **Subtitle**

16 AN ACT TO REGULATE THE PRACTICE OF
17 NEUROPSYCHOLOGY AND TECHNICIANS.

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19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 *SECTION 1.* Arkansas Code § 17-97-301 is amended to read as follows:

23 17-97-301. Legislative intent -- License required.

24 (a) The General Assembly intends this section to:

25 (1) Require all psychology service providers to conform to the
26 licensing requirements of this chapter; and

27 (2) By conforming, protect the public's health and welfare by
28 ensuring competence in the delivery of those services.

29 ~~(a)~~(b) If any person shall practice or hold himself or herself out to
30 the public as being engaged in the practice of psychology, such as clinical,
31 consulting, industrial, personnel, or counseling psychology, and shall not
32 then possess in full force and virtue a valid license to practice as
33 psychological examiner or psychologist under the provisions of this chapter,
34 the person shall be deemed guilty of a misdemeanor.

35 ~~(b)~~(c) Upon conviction the person shall be fined not less than five



1 hundred dollars (\$500) nor more than one thousand dollars (\$1000).

2
3 *SECTION 2.* Arkansas Code Title 17, Chapter 97, is amended to add an
4 additional subchapter to read as follows:

5 17-97-401. Technicians employed by psychologists --Supervision.

6 (a)(1) Technicians may be employed by licensed psychologists in the
7 practice of neuropsychology.

8 (2)(A) Individuals employed as technicians may only be employed
9 in neuropsychological testing and shall be restricted to the administration
10 and scoring of standardized objective tests.

11 (B) Individuals employed as technicians may not administer
12 or score projective tests.

13 (b)(1) A technician shall have a bachelor's degree from a regionally
14 accredited institution, preferably with a major in psychology.

15 (2) The basic educational background of a technician shall
16 include passing grades from instruction in:

17 (A) Abnormal psychology;

18 (B) Personality;

19 (C) Psychological statistics; and

20 (D) Psychological testing.

21 (3) For purposes of this subsection (a), "passing grade" means:

22 (A) "C" in a letter grading system;

23 (B) "Pass" in a pass/fail system; or

24 (C) "Satisfactory" in a satisfactory/unsatisfactory
25 grading system.

26 (4) Technicians who have completed degrees with non-psychology
27 majors shall have completed passing grades in course-work in these areas.

28 (5) Technicians currently employed by psychologists who do not
29 have this academic background shall be provided with specific information to
30 supplement their training in neuropsychological test administration, with all
31 future technicians employed by psychologists being required to meet the
32 academic background as specified in this section.

33 (c) In addition to formal university or college-based preparation,
34 technicians shall demonstrate training and instruction in the numerous areas
35 that pertain to their role as a technician as established by the Arkansas
36 Psychology Board.

1 (d) It is the intent of this section that:

2 (1) Every effort shall be made to employ only those
3 applicants with degrees in psychology; and

4 (2) For those employees who do not possess a degree in
5 psychology, the technician, before engaging in service delivery, shall have
6 successfully completed the requirements of this section by obtaining formal
7 university or college coursework in the courses delineated in this section.

8
9 17-97-402. Additional training.

10 (a) The supervising *psychologist* shall make the technician aware:

11 (1) Of the goals of neuropsychological examination and his or
12 her specific role in achieving those goals;

13 (2) Through additional training if necessary, of appropriate
14 institutional emergency procedures to deal with various medical emergencies
15 such as heart attack, respiratory arrest, seizures, and other relevant
16 information; and

17 (3) In addition to medical emergencies, of recommended
18 procedures for dealing with incompetent or adjudicated patients who attempt
19 to leave the testing setting without authorization.

20 (b) The supervising *psychologist* shall:

21 (1) Train the technicians to be sensitive to subtle or overt
22 suicidal or homicidal threats or innuendoes made during testing.

23 (2) Because they may be exposed to aggressive or sexually
24 inappropriate behavior on the part of patients, provide the technicians with
25 specific instructions on how to handle such situations.

26 (c) Registered technicians shall complete a one-hour ethics course
27 each year.

28 (2) The course shall be documented as part of the annual
29 statement of supervision filed by the supervising psychologist.

30 (d)(1) Technicians shall receive training in:

31 (A) Ethical issues; and

32 (B) Methods of dealing with situations that arise in the
33 context of assessment.

34 (2) Technicians shall receive specific instruction in regard to:

35 (A) The limits of his or her role; and

36 (B) Relationships with:

1 (i) The supervising *psychologist*; and

2 (ii) Other technicians.

3 (3)(A) The supervising *psychologist* shall provide explicit
4 guidance regarding ethical issues that pertain to the activities of
5 technicians in neuropsychological examination.

6 (B) These issues include:

7 (i) Protection of patient confidentiality;

8 (ii) Protection of the confidentiality of test
9 information regarding patients;

10 (iii) Maintenance and protection of test security;

11 and

12 (iv) Constraints regarding dual relationships with
13 patients or supervisors.

14 (e) Technicians should be explicitly instructed not to present
15 themselves to patients in a manner that implies any independent professional
16 prerogatives.

17 (f) The supervising *psychologist* shall:

18 (1) Correct any misperceptions a technician may have about the
19 potential for growth in the roles and responsibilities of technicians;

20 (2) Specifically state that test selection, interpretation, and
21 communication of results are professional activities performed only by the
22 supervising *psychologist*; and

23 (3) Stipulate that these roles are not and never will be within
24 the scope of employment of the technician.

25 (g)(1) The supervising *psychologist* shall ensure that each technician
26 employed by the *psychologist* has an explicit understanding of the limited
27 nature of the technician's role in neuropsychological examination.

28 (2) The supervising *psychologist* shall clearly delineate the
29 lines of authority between himself or herself and the technician.

30 (3)(A) Technicians shall be made aware at the time of their
31 employment that their role in the overall process is important, but
32 nonetheless is narrowly constrained.

33 (B) The role of the technician is strictly limited to the
34 administration and scoring of certain test procedures that shall be selected,
35 interpreted, and communicated by the supervising *psychologist*.

36

1 17-97-403. Registration.

2 (a)(1) Each licensed psychologist employing technicians shall:

3 (A) Register each technician with the Arkansas Psychology
4 Board; and

5 (B) Annually submit a statement of supervision outlining
6 the supervisory process used with each technician.

7 (2) Before employment, the technician shall:

8 (A) Be registered with the board; and

9 (B) Have completed a criminal background check as
10 described for licensed psychologists under § 17-97-312.

11
12 17-97-404. Disclosure.

13 Licensed psychologists employing technicians shall provide to clients
14 written disclosure concerning the limited role of technicians to clients,
15 legal guardians of minors, and to schools or third-party payers if legal or
16 ethical guidelines require such disclosure.

17
18 17-97-405. Supervision of technicians -- Supervised experience.

19 (a)(1) An acceptable employment setting for technicians provides
20 ongoing neuropsychological services or scientific research in a well defined
21 and established program.

22 (2) Physical components shall be available including office
23 space, support staff, and equipment necessary for the technician to be
24 successful.

25 (3) The setting shall meet the broad and specialized needs of
26 the technician that are congruent with his or her job description.

27 (b)(1) The work setting shall provide the technician with a written
28 document specifying the administrative policies and the roles, goals, and
29 objectives of the technician's position.

30 (2) At the beginning of employment of a technician, the
31 supervising psychologist shall develop, along with the technician, a written
32 individualized job description that is consistent with the qualifications of
33 the technician and the requirements of the setting.

34 (3) The supervising psychologist shall determine the adequacy of
35 the technician's preparation for the tasks to be performed.

36 (4) The documents required under this subsection (b) shall serve

1 as the foundation for written evaluations of technicians.

2 (c) The setting shall include a licensed, board-approved *psychologist*
3 who is legally and ethically responsible for the oversight of the integrity
4 and quality of the services as well as other resources necessary to meet the
5 employment needs of the technician whose technical assistance is restricted
6 to the practice of neuropsychology and research.

7 (d)(1) The role of the technician shall be identified in such a way
8 that his or her supervised status is clearly identifiable to clients, third-
9 party payers, and other persons.

10 (2) Patients or clients shall be informed of the possibility of
11 periodic meetings with the supervising *psychologists* at the service
12 provider's or the supervising *psychologist's* request in accordance with
13 guidelines published by the American Psychological Association and the
14 Association of State and Provincial Psychology Boards.

15 (e)(1) Work assignments shall be commensurate with the skills of the
16 technician.

17 (2) All procedures shall be planned in consultation with the
18 supervising *psychologist*.

19 (f) Public announcement of services and fees and contacts with the lay
20 or professional community shall be offered only by or in the name of the
21 supervising *psychologist*.

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23
24 17-97-406. Qualifications of Supervisors.

25 (a) Supervising *psychologists* shall be:

26 (1) Licensed to practice psychology in Arkansas;

27 (2) Aware of and abide by the ethical principles and state
28 statues pertaining to the practice of psychology in general and to
29 supervision in particular; and

30 (3) Approved by the Arkansas Psychology Board to practice
31 neuropsychology.

32 (b) Supervising *psychologists* shall have:

33 (1) At least three (3) years of post-licensure experience; and

34 (2) Had training, experience, or both in supervision.

35 (c) The supervisor is ethically and legally responsible for all of the
36 professional activities of the technician.

1 (d)(1) Supervising psychologists shall have adequate training,
2 knowledge, and skill to render competently any neuropsychological service
3 which the employed technician undertakes.

4 (2)(A) Supervising psychologists may not permit a technician to
5 engage in any practice that the supervising psychologist cannot perform
6 competently him or herself.

7 (B) The supervising psychologist shall interrupt or
8 terminate the technician's activities whenever necessary to ensure adequate
9 development of skills and the protection of the public.

10 (3)(A) Any written documents prepared by the technician shall
11 include the credentials and signature of both the technician and the
12 supervising psychologist.

13 (B) The name and credentials of technicians employed in
14 the testing procedures shall be included on written reports prepared by the
15 psychologist.

16 (e)(1) The supervising psychologist or a qualified designee who meets
17 the requirements of a supervisor, shall provide twenty-four hour availability
18 to both the technician and the technician's clients for emergency
19 consultation and intervention.

20 (f)(1) The supervising psychologist shall have sufficient knowledge of
21 all clients, including face-to-face contact when necessary, in order to plan
22 effective delivery procedures.

23 (2) The supervising psychologist shall provide for another
24 qualified supervisor in case of any interruption of supervision due to such
25 factors as the supervisor's illness, unavailability, or relocation.

26 (g)(1) Supervising psychologists shall avoid entering into dual
27 relationships with the technicians for whom they provide supervision.

28 (2) Supervising psychologists may not exploit or engage in
29 sexual relationships with the technicians they employ.

30 (3) Supervising psychologists shall attempt to resolve any
31 unforeseen interference that may be potentially harmful to the supervisory
32 relationship with due regard for the best interests of both the client and
33 the technician and after appropriate consultation.

34 (h)(1) No supervising psychologist may supervise more than three (3)
35 technicians during any one (1) employment period.

36 (2) For supervising psychologists who employ part-time

1 technicians, "three (3) technicians" means any combination of employees that
2 total three (3) full time equivalents, but no more than eight (8) part-time
3 technicians during any one (1) employment period.

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5 */s/ Bradford*

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