

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

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

A Bill

HOUSE BILL 2105

5 By: Representatives Bradford, Mahony
6 By: Senators Steele, J. Jeffress
7

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

Subtitle

15 AN ACT TO REGULATE THE PRACTICE OF
16 NEUROPSYCHOLOGY AND TECHNICIANS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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
36 hundred dollars (\$500) nor more than one thousand dollars (\$1000).



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

4 17-97-401. Technicians employed by *psychologists* --Supervision.

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

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

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

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

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

16 (A) Abnormal psychology;

17 (B) Personality;

18 (C) Psychological statistics; and

19 (D) Psychological testing.

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

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

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

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

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

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

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

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

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

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

7
8 17-97-402. Additional training.

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

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

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

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

19 (b) The supervising *psychologist* shall:

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

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

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

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

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

30 (A) Ethical issues; and

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

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

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

35 (B) Relationships with:

36 (i) The supervising *psychologist*; and

1 (ii) Other technicians.

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

5 (B) These issues include:

6 (i) Protection of patient confidentiality;

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

9 (iii) Maintenance and protection of test security;
10 and

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

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

16 (f) The supervising *psychologist* shall:

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

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

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

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

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

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

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

35
36 17-97-403. Registration.

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

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

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

6 (2) Before employment, the technician shall:

7 (A) Be registered with the board; and

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

10
11 17-97-404. Disclosure.

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

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

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

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

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

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

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

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

35 (4) The documents required under this subsection (b) shall serve
36 as the foundation for written evaluations of technicians.

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

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

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

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

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

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

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23 17-97-406. Qualifications of Supervisors.

24 (a) Supervising *psychologists* shall be:

25 (1) Licensed to practice psychology in Arkansas;

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

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

31 (b) Supervising *psychologists* shall have:

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

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

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

36 (d)(1) Supervising *psychologists* shall have adequate training,

1 knowledge, and skill to render competently any neuropsychological service
2 which the employed technician undertakes.

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

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

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

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

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

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

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

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

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

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

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

35 (2) For supervising psychologists who employ part-time
36 technicians, "three (3) technicians" means any combination of employees that

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

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/s/ Bradford