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Sequence Number: 04-05-14  
Rule ID(s): 5688-5691  
File Date: 4/4/14  
Effective Date: 7/3/14

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

**Agency/Board/Commission:** Board of Examiners in Psychology  
**Division:**  
**Contact Person:** Jennifer Putnam  
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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1180-01	General Rules Governing the Practice of Psychologists, Senior Psychological Examiners, Psychological Examiners, and Certified Psychological Assistants
Rule Number	Rule Title
1180-01-.06	Patient Records
1180-01-.08	Continuing Education
1180-01-.13	Mandatory Release of Patient Records

Chapter Number	Chapter Title
1180-02	Rules Governing Psychologists
Rule Number	Rule Title
1180-02-.01	Scope of Practice

Chapter Number	Chapter Title
1180-03	Rules Governing Psychological Examiners and Senior Psychological Examiners
Rule Number	Rule Title
1180-03-.01	Scope of Practice

Chapter Number	Chapter Title
1180-04	Rules Governing Certified Psychological Assistants
Rule Number	Rule Title
1180-04-.01	Scope of Practice
1180-04-.03	Procedures for Certification

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

## Amendments to 1180-01

### Rules Governing the Practice of Psychologists, Senior Psychological Examiners, Psychological Examiners and Certified Psychological Assistants

Rule 1180-01-.06 Patient Records is amended by deleting part (4)(c)1. in its entirety and adding a new part (4)(c)1., so that as amended, the new part shall read:

1. Patient records include, but are not limited to:
  - (i) the name of the patient and other identifying information;
  - (ii) the presenting problem(s) or purpose of diagnosis;
  - (iii) the fee arrangement;
  - (iv) the date and substance of each billed or service-count contact or service;
  - (v) any test results or other evaluative results obtained and any basic test data from which they were derived (not including protocols);
  - (vi) notation and results of formal consults with other providers;
  - (vii) a copy of all test and other evaluative reports prepared as a component of the professional relationship; and
  - (viii) any releases executed by the patient.

Authority: T.C.A. §§ 63-2-101 and 63-11-104.

Rule 1180-01-.06 Patient Records is amended by deleting part (4)(c)2. in its entirety and adding a new part (4)(c)2., so that as amended the new part shall read:

2. Not included in patient records are test materials, such as manuals, instruments, protocols, and test questions or stimuli. Although not included in patient records, test materials such as manuals, instruments, protocols, and test questions or stimuli must be retained in accordance with the "Ethical Principles of Psychologists and Code of Conduct" published by the American Psychological Association

Authority: T.C.A. §§ 63-2-101 and 63-11-104.

Rule 1180-01-.08 Continuing Education is amended by deleting subparagraph (1)(c) in its entirety and adding a new subparagraph (1)(c), so that as amended, the new subparagraph shall read:

- (c) Nine (9) CE hours of the forty (40) hours required in subparagraph (b) must be received from a Type I CE program as provided by this rule. All continuing education hours obtained via the internet must be from a Type I CE program.

Authority: T.C.A. § 63-11-104.

Rule 1180-01-.08 Continuing Education is amended by deleting subparagraph (1)(e), but not its parts, and adding a new subparagraph (1)(e), so that as amended, the new subparagraph shall read:

- (e) Twenty-two (22) CE hours of the forty (40) hours required in subparagraph (b) must be received from Type I, II, or III programs as provided by this rule.

Authority: T.C.A. § 63-11-104.

Rule 1180-01-.08 Continuing Education is amended by deleting subparagraph (1)(f) in its entirety and adding a new subparagraph (1)(f), so that as amended, the new subparagraph shall read:

- (f) Three (3) CE hours shall pertain to cultural diversity as specifically noted in the title, description of objectives, or curriculum of the presentation, symposium, workshop, seminar, course or activity. Cultural diversity includes aspects of identity stemming from age, disability, gender, race/ethnicity, religious/spiritual orientation, sexual orientation, socioeconomic status, and other cultural dimensions. The topic of the presentation, symposium, workshop, seminar, course or activity need not be on cultural diversity, but one of the objectives or descriptions of the topics covered, shall clearly indicate attention to cultural diversity. These hours shall be Type I or Type II.

Authority: T.C.A. § 63-11-104.

Rule 1180-01-.08 Continuing Education is amended by adding subparagraph (1)(g), so that as amended, the new subparagraph shall read:

- (g) Three (3) CE hours of Type I or Type II shall pertain to:
  1. Tennessee Code Annotated, Title 63, Chapter 11; and
  2. Official Compilation, Rules and Regulations of the State of Tennessee, Chapters 1180-01, 1180-02, 1180-03 and 1180-04; and
  3. The current version of the "Ethical Standards" which are part of the "Ethical Principles of Psychologists and Code of Conduct" published by the American Psychological Association (A.P.A.).

Authority: T.C.A. § 63-11-104.

Rule 1180-01-.08 Continuing Education is amended by adding subparagraph (1)(h), so that as amended, the new subparagraph shall read:

- (h) Experiences unacceptable as continuing education include, but are not limited to, administrative activities, psychotherapy, personal growth or enrichment.

Authority: T.C.A. § 63-11-104.

Rule 1180-01-.08 Continuing Education is amended by adding subparagraph (2)(f), so that as amended, the new subparagraph shall read:

- (f) Type I CE may be fulfilled via internet. No more than twenty (20) hours shall be obtained from an internet source.

Authority: T.C.A. § 63-11-104.

Rule 1180-01-.13 Mandatory Release of Patient Records is amended by deleting paragraph (2) in its entirety and adding a new paragraph (2), so that as amended, the new paragraph shall read:

- (2) A licensee shall be entitled to charge reasonable costs, as outlined by T.C.A. § 63-2-102, for the reproduction of records to a third party not to exceed twenty dollars (\$20.00) for reports or records five (5) pages or less in length and fifty cents (\$.50) per page for each page copied after the first five (5) pages for copying and mailing patient records.

Authority: T.C.A. §§ 63-2-102 and 63-11-104.

Rule 1180-02-.01 Scope of Practice is amended by deleting paragraph (7), but not its subparagraphs, and adding a new paragraph (7), so that as amended, the new paragraph shall read:

- (7) Standards for supervision of Psychologists, Psychological Examiners and Certified Psychological Assistants by Psychologists

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-02-.01 Scope of Practice is amended by deleting subparagraph (7)(a) in its entirety and adding a new subparagraph (7)(a), so that as amended, the new subparagraph shall read:

- (a) Supervision must meet minimum standards and a supervisor of record must be made known to the Board. When a Psychologist renews his or her license he or she must list those Psychologists, Psychological Examiners, and Certified Psychological Assistants whom the Psychologist supervises and for whom he or she is the supervisor of record.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-02-.01 Scope of Practice is amended by deleting subparagraph (7)(d), but not its parts, and adding a new subparagraph (7)(d), so that as amended, the new subparagraph shall read:

- (d) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision. Supervision conducted via face-to-face video conferencing equipment and/or technology is acceptable, assuming compliance with subparagraphs (7)(a) through (7)(e) of this rule. "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-02-.01 Scope of Practice is amended by deleting part (7)(e)3. in its entirety and adding a new part (7)(e)3., so that as amended, the new part shall read:

- 3. The standard for supervision of Certified Psychological Assistants is direct and frequent supervision to take place at the site of service, considering the number of hours worked per week and the experience level of the Certified Psychological Assistant

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting paragraph (4) in its entirety and adding a new paragraph (4), so that as amended, the new paragraph shall read:

- (4) Psychological Examiners who have had appropriate education, training, and supervised practice experience may provide the following psychological services only under the qualified supervision of a licensed Psychologist designated as a HSP or Senior Psychological Examiner:

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by adding subparagraph (5)(e), so that as amended, the new subparagraph shall read:

- (e) Supervision of a Psychological Examiner and/or a Certified Psychological Assistant

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting paragraph (6), but not its subparagraphs, and adding a new paragraph (6), so that as amended, the new paragraph shall read:

- (6) Standards for supervision of Psychological Examiners and Certified Psychological Assistants by Senior Psychological Examiners.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting subpart (6)(a)1.(i) in its entirety and adding a new subpart (6)(a)1.(i), so that as amended, the new subpart shall read:

- (i) A Senior Psychological Examiner must list the Psychological Examiners and/or Certified Psychological Assistants for whom he or she is the supervisor of record. When a Senior Psychological Examiner renews his or her license, he or she must list those Psychological Examiners and/or Certified Psychological Assistants whom the Senior Psychological Examiner supervises and for whom he or she is the supervisor of record.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting subpart (6)(a)1.(ii) in its entirety and adding a new subpart (6)(a)1.(ii), so that as amended, the new subpart shall read:

- (ii) A Psychological Examiner must list his/her primary supervising Senior Psychological Examiner if engaging in activities requiring supervision. When a Psychological Examiner renews his/her license or certificate, that individual must list his/her primary supervisor(s) if engaging in activities requiring supervision

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting subparagraph (6)(b) in its entirety and adding a new subparagraph (6)(b), so that as amended, the new subparagraph shall read:

- (b) Qualified supervision requires that a licensed Senior Psychological Examiner, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and frequent basis.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting subparagraph (6)(c) in its entirety and adding a new subparagraph (6)(c), so that as amended, the new subparagraph shall read:

- (c) The supervising Senior Psychological Examiner shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting subparagraph (6)(d), but not its parts, and adding a new subparagraph (6)(d), so that as amended, the new subparagraph shall read:

- (d) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision. Supervision conducted via face-to-face video conferencing equipment and/or technology is acceptable, assuming compliance with subparagraphs (6)(a) through (6)(e) of this rule. "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting subparagraph (6)(e), but not its parts, and adding a new subparagraph (6)(e), so that as amended, the new subparagraph shall read:

- (e) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Senior Psychological Examiner upon whom it is incumbent to assure supervisory time and service delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The education, training, experience, ongoing performance and level of licensure of the supervisee must be considered by the supervisor. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. In situations where supervision has been regular and frequent and one-on-one contact has occurred, the frequency and intensity of supervision may, at the discretion of the supervising Senior Psychological Examiner upon determination of the supervisee's competence and readiness, be modified. Normally such supervision will occur weekly. Ultimately, the supervising Senior Psychological Examiner of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics. (Requirements for Psychologists receiving supervision as part of the experience requirement for designation as a HSP are contained in 1180-02-.02(2)(d).)

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting part (6)(e)1. in its entirety and adding a new part (6)(e)1., so that as amended, the new part shall read:

1. The standard for supervision of newly supervised (less than five [5] years) Psychological Examiners is one (1) hour per week.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-03-.01 Scope of Practice is amended by deleting part (6)(e)2. in its entirety and adding a new part (6)(e)2., so that as amended, the new part shall read:

2. The standard of supervision for experienced (supervised for at least five [5] years) Psychological Examiners is that it shall occur no less than monthly. If an experienced Psychological Examiner changes supervisors, the experienced Psychological Examiner may follow the monthly supervision standard if agreed to by the Senior Psychological Examiner supervisor and the experienced Psychological Examiner in question

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by adding new subparagraphs (a) – (h) to paragraph (3) of the rule, so that as amended, new subparagraphs (3)(a) – (3)(h) shall read:

- (3) Certified Psychological Assistants shall limit their practices to the use of those techniques, and to providing services to those populations, for which they have formal education, formal professional training and supervised experience, and for which they hold certification. Because no education, professional training, supervised experience and practicum in psychotherapy or other therapeutic intervention activities is prescribed in the statute, the scope of practice for certified psychological assistants is specifically restricted to psychological assessment, psychological testing, and related activities, with no certified psychological assistant allowed to engage in psychotherapy or any other form of therapeutic intervention. The supervised practice of a Certified Psychological Assistant, may include, but is not limited to:

(a) Participates in psychological evaluations and clinical assessments of patients/clients utilizing a wide variety of assessment techniques and instruments thereby providing psychological data;

- (b) Administers psychological testing, monitors mental status of patients and participates in treatment teams which evaluate, develop, implement, and document patient's treatment progress;
- (c) Assists with classification information on patients and recommendations on service needs, identification and recommendation of services for the handicapped, and crisis intervention;
- (d) Screens patients for appropriate treatments;
- (e) Provides educational/information services for patients;
- (f) Participates in both basic and applied research endeavors and contributes to the basic fund of psychological knowledge;
- (g) May assist in psychological screening of employees; and
- (h) May supervise/direct the work of clerical/related staff in the performance of their duties as assigned.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by deleting paragraph (4), but not its subparagraphs, and adding a new paragraph (4), so that as amended, the new paragraph shall read:

- (4) Certified Psychological Assistants, who have had appropriate education, training and supervised practice experience, may render to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology as defined in paragraph three (3) above and only under the direct employment and qualified supervision of a Psychologist with HSP designation or a Senior Psychological Examiner; or the employment of a community mental health center or state governmental agency and the qualified supervision of a Psychologist with HSP designation or a Senior Psychological Examiner.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4)(a), but not its parts, and adding a new subparagraph (4)(a), so that as amended, the new subparagraph shall read:

- (a) Supervision must meet minimum standards and a supervisor of record must be made known to the Board. Supervision conducted via face-to-face video conferencing equipment and/or technology is acceptable, assuming compliance with subparagraphs (4)(a) through (4)(g) of this rule. "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by deleting subpart (4)(a)1.(i) in its entirety and adding a new subpart (4)(a)1.(i), so that as amended, the new subpart shall read:

- (i) those Certified Psychological Assistants whom the Psychologist or Senior Psychological Examiner supervises and for whom he or she is the supervisor of record; or

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4)(b) in its entirety and adding a new subparagraph (4)(b), so that as amended, the new subparagraph shall read:

- (b) Qualified supervision requires that a licensed Psychologist or Senior Psychological Examiner, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and frequent basis. The supervising Psychologist for Certified Psychological Assistants delivering health services must also be designated as a HSP.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4)(c) in its entirety and adding a new subparagraph (4)(c), so that as amended, the new subparagraph shall read:

- (c) The supervising Psychologist or Senior Psychological Examiner shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4)(f) in its entirety and adding a new subparagraph (4)(f), so that as amended, the new subparagraph shall read:

- (f) The supervising Psychologist or Senior Psychological Examiner has responsibility to require that the Certified Psychological Assistant complete continuing education to maintain continued competence.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4)(g) in its entirety and adding a new subparagraph (4)(g), so that as amended, the new subparagraph shall read:

- (g) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Psychologist or Senior Psychological Examiner upon whom it is incumbent to assure supervisory time and service delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The supervisor must consider the education, training, experience, ongoing performance and level of licensure of the supervisee. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. The supervising Psychologist or Senior Psychological Examiner of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics. (Requirements for Psychologists receiving supervision as part of the experience requirement for designation as a HSP are contained in Rule 1180-02-.02 (2)(d).)

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (5)(d) in its entirety and adding a new subparagraph (5)(d), so that as amended, the new subparagraph shall read:

- (d) Providing or claiming to provide the services listed in paragraph (4) without supervision by a Psychologist with HSP designation or Senior Psychological Examiner.

Authority: T.C.A. §§ 63-11-104, 63-11-201 through 63-11-208.

Rule 1180-04-.03 Procedures For Certification is amended by deleting subparagraph (8)(a) in its entirety and adding a new subparagraph (8)(a), so that as amended, the new subparagraph shall read:

- (a) One (1) of the required three (3) letters must be from a licensed Psychologist with HSP designation, or if the endorser is from another jurisdiction, HSP equivalent licensed

Psychologist. The other letters may be from licensed Psychologists or licensed Senior Psychological Examiners.

Authority: T.C.A. §§ 63-11-104 and 63-11-206.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Pamela M. Auble	X				
Anita A. Davis	X				
Trevor Milliron	X				
Mark Loftis	X				
George Bercaw	X				
Rodney Sullivan	X				
Melissa Clark Gray				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Examiners in Psychology (board/commission/ other authority) on 09/05/2013 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 07/10/13

Rulemaking Hearing(s) Conducted on: (add more dates). 09/05/13

Date: 3/27/14

Signature: Jennifer L. Putnam

Name of Officer: Jennifer Putnam

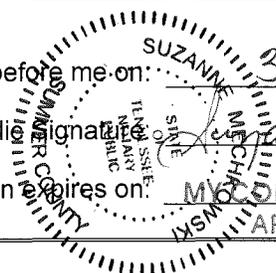
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 3-27-14

Notary Public Signature: Suzanne Meckhouse

My commission expires on: APRIL 19, 2017



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
4-2-14 Date

**Department of State Use Only**

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Filed with the Department of State on: 4/4/14

Effective on: 7/3/14

J. King



## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

### Public Hearing Comments

#### Tennessee Board of Examiners in Psychology

September 5, 2013

The rulemaking hearing for the Tennessee Board of Examiners in Psychology was held on September 5, 2013 in the Department of Health Conference Center's Iris Room on the first floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee.

Written comments were received from Teresa Cutts, Ph.D. representing the Tennessee Psychological Association ("TPA"). These written comments were addressed to the Board by Dr. N.L. Stephenson, representative for the Tennessee Psychological Association.

1. Dr. Stephenson requested the following on behalf of TPA:
  - a. TPA suggested that language be added to rule 1180-01-.08(1)(c) that would require the nine (9) CE hours of the forty (40) hours required in subparagraph (b) be received face to face. The Board understood the basis for TPA's suggestion and has had several discussions to determine if the nine (9) hours should be required to be face to face. However, the Board noted that currently, there are not enough outlets to meet the standards of obtaining face-to-face hours and believed the requirement would be prohibitive in terms of access and affordability, therefore being too restrictive on the licensees. The Board did not approve this suggestion.
  - b. TPA suggested that language be added to rule 1180-01-.08(1)(g) that would require three (3) hours of Type I or Type II be face to face. Again, the Board noted that it believed the requirement would be prohibitive in terms of access and affordability, therefore being too restrictive on the licensees. The Board did not approve this suggestion.
  - c. TPA suggested rule 1180-01-.08(2)(f) be revised to allowed no more than twenty (20) hours of CE to be obtained from an internet source as opposed to the Board's original proposal of twenty-eight (28) hours. The Board approved this suggestion.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

#### Regulatory Flexibility Act Analysis of Impact on Small Businesses

- (1) The proposed rule amendments do not overlap, duplicate, or conflict with other federal, state, and local governmental rules.
- (2) The language of the proposed rule amendments is clear, concise, and lacks ambiguity.
- (3) The proposed rule amendments do not affect small businesses. As such, the rule amendments do not address compliance and/or reporting requirements for small businesses.
- (4) The proposed rule amendments do not affect small businesses. As such, the rule amendments do not create any new compliance or reporting requirement.
- (5) The proposed rule amendments do not affect small businesses. As such, the rule amendments do not consolidate or simplify compliance and/or reporting requirements for small businesses.
- (6) The proposed rule amendments do not affect small businesses. As such, the rule amendments do not establish performance standards for small businesses and do not establish design or operational standards.
- (7) The proposed rule amendments do not create unnecessary entry barriers or other effects that stifle entrepreneurial activity.

## STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

**Name of Board, Committee or Council:** Tennessee Board of Examiners in Psychology

**Rulemaking hearing date:** September 5, 2013

- 1. Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:**

The proposed rule amendments affect licensed psychologists, psychological examiners and psychological assistants. The proposed rules only clarify existing requirements and, as such, there are no additional costs or direct benefit to any small businesses.

- 2. Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:**

The proposed rules only clarify existing requirements and as such, do not require reporting, recordkeeping or other administrative costs in order to comply with the proposed rule.

- 3. Statement of the probable effect on impacted small businesses and consumers:**

The proposed rule amendments only affect licensed psychologists, psychological examiners and psychological assistants. These rules do not impact small businesses or consumers.

- 4. Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:**

The Board of Examiners in Psychology does not believe there are less burdensome alternatives to the proposed rule amendments, as rules are designed to protect the health, safety and welfare of psychology patients of the state of Tennessee. The proposed rule only clarifies existing requirements.

- 5. Comparison of the proposed rule with any federal or state counterparts:**

**Federal:** The Board of Examiners in Psychology is not aware of any federal entity that regulates the practice of Psychology.

**State:** After reviewing the rules for other states in the southeastern region of the United States, it has been determined that other states either have rules that are consistent with the proposed rule amendments or do not address the specific topics covered by the proposed rule amendments.

- 6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.**

An exemption of small businesses is not applicable as the proposed rules only clarify existing requirements and, as such, do not impact small businesses

### **Impact on Local Governments**

Pursuant to T.C.A. § 4-5-228(a), "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected financial impact on local governments."

These rule amendments are not expected to have an impact on local governments.

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1180-01-06; Patient Records: This rule is rewritten to clarify what information should and should not be included in patient records.

Rule 1180-01-.08; Continuing Education: The Board requires forty (40) hours of continuing education every two (2) years. Nine (9) of the forty (40) must be from a Type I CE program. The rule amendments will allow Type I CE to be fulfilled via internet, but no more than twenty (20) hours shall be obtained from an internet source. Twenty-two (22) of the forty (40) must be from Type I, II or III programs. The rule amendments will require three (3) hours of the twenty-two (22) CE hours pertain to cultural diversity and three (3) hours pertain to ethics and jurisprudence.

Rule 1180-01-.13; Mandatory Release of Patient Records: The rule amendments will require that a licensee shall be entitled to charge a reasonable cost for the reproduction of records to a third party not to exceed twenty dollars (\$20.00) for reports or records five (5) pages or less in length and to charge fifty cents (\$0.50) per page for each page copy after the first five (5) pages.

Rule 1180-02-01; Scope of Practice: The rule amendments will remove the words "Senior Psychological Examiner" and "Certified Psychological Assistant" when discussing the scope of practice of Psychologists in order to clarify who may supervise under the scope of practice. The rule amendments will allow specific case monitoring to be conducted via face-to-face video with face-to-face meaning you can see one's face and occurring in real time. No more than seventy-five (75) percent of supervision can be obtained through video conferencing. The rule amendments will require supervision of Certified Psychological Assistants by a Psychologist to be direct and frequent supervision to take place at the site of service, considering the number of hours worked per week and the experience level of the Certified Psychological Assistant.

Rule 1180-03-01; Scope of Practice: The rule amendments will remove "Psychologist" from the scope of practice for Senior Psychological Examiners and Psychological Examiners to clarify who may supervise under the scope of practice. The rule amendments will allow specific case monitoring to be conducted via face-to-face video with face-to-face meaning you can see one's face and occurring in real time. No more than seventy-five (75) percent of supervision can be obtained through video conferencing. The rule amendments will require the description of newly supervised to mean examiners supervised less than five (5) years and the description of supervision for experienced examiners to mean supervised for at least five (5) years.

Rule 1180-04-01; Scope of Practice: The rule amendments will require the addition of what the supervised practice of a Certified Psychological Assistant may include but not be limited to. The rule amendments will require the addition of Senior Psychological Examiners to the supervision of Certified Psychological Assistants. The rule amendments will require specific case monitoring to be conducted via face-to-face video with face-to-face meaning you can see one's face and occurring in real time. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.

Rule 1180-04-03; Procedures for Certification: The rule amendments will require one (1) of the required three (3) letters for licensure be from a licensed Psychologist with HSP designation, or if the endorser is from another jurisdiction, HSP licensed equivalent Psychologist.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Office of the General Counsel is unaware of any federal law or regulation or any state regulation mandating promulgation of such rules.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Licensees and The Tennessee Psychological Association. The Tennessee Psychological Association did not express rejection of these rules but did express suggestions of parts of these rules as stated in the public comments section.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

No Attorney General opinions or judicial rulings directly relate to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The proposed rule amendments would not provide an increase or decrease in state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Jennifer L. Putnam, Assistant General Counsel, Tennessee Department of Health.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Jennifer L. Putnam, Assistant General Counsel, Tennessee Department of Health.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Jennifer L. Putnam, Assistant General Counsel, Tennessee Department of Health, 665 Mainstream Drive Nashville, TN 37243, (615) 741-1611, [Jennifer.Putnam@tn.gov](mailto:Jennifer.Putnam@tn.gov).

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

(Rule 1180-1-.05, continued)

[www.tennesseeanytime.org](http://www.tennesseeanytime.org)

2. Paper Renewals - Licensee and certificate holders who have not renewed their authorization online via the Internet will have a renewal application form mailed to them at the last address provided by them to the Board. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal.
  - (c) A license issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal the licensee must submit the following to the Division on or before the expiration date of the license:
    1. A completed and signed renewal application form.
    2. The renewal and state regulatory fees as provided in rule 1180-1-.03.
  - (d) Licensees or certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses or certificates processed pursuant to rule 1200-10-1-.10.
- (2) Reinstatement of an Expired License or Certificate.
- (a) Licenses or certificates that have expired may be reinstated upon meeting the following conditions:
    1. Payment of all past due renewal fees;
    2. Payment of the late renewal fee provided in rule 1180-1-.03;
    3. Compliance with continuing education requirements in rule 1180-1-.08; and
    4. If the license has been expired for more than five (5) years, successfully pass the jurisprudence and ethics examination, pay the jurisprudence and ethics examination exam fee as provided in rule 1180-1-.03, and obtain six (6) months of supervision.
  - (b) Renewal issuance decisions pursuant to this rule may be made administratively, upon review by the Board Administrator.
  - (c) Anyone submitting a signed renewal form or letter which is found to be false may be subjected to disciplinary action as provided in T.C.A. § 63-11-215 and rule 1180-1-.10.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-11-104, 63-11-201, 63-11-206, 63-11-207, 63-11-208, 63-11-209, 63-11-210, 63-11-215, and 63-11-218. **Administrative History:** Original rule filed September 12, 1974; effective October 12, 1974. Repeal and new rule filed June 6, 1978; effective September 28, 1978. Repeal and new rule filed September 29, 1995; effective December 13, 1995. Repeal and new rule filed August 29, 2000; effective November 12, 2000. Amendment filed August 29, 2000; effective November 12, 2000. Amendment filed June 18, 2002; effective September 1, 2002. Amendment filed May 15, 2003; effective July 29, 2003. Amendment filed November 9, 2005; effective January 23, 2006. However, Stay of Effective Date filed by the Board of Examiners in Psychology on January 20, 2006; new effective date March 23, 2006.

#### 1180-1-.06 PATIENT RECORDS.

- (1) Purposes – The purposes of these rules are:

(Rule 1180-1-.06, continued)

- (a) To recognize that patient records are an integral part of the practice of psychologists, senior psychological examiners, and psychological examiners as defined in T.C.A. §§ 63-11-202 and 63-11-203.
  - (b) To give psychologists, senior psychological examiners and psychological examiners, their professional and non-professional staff, and the public direction about the content, transfer, retention, and destruction of those records.
- (2) Conflicts – As to patient records, these rules should be read in conjunction with the provisions of T.C.A. §§ 63-2-101 and 63-2-102, and are not intended to conflict with those statutes in any way. Those statutes, along with these rules, govern the subjects that they cover in the absence of other controlling state or federal statutes or rules to the contrary.
- (3) Applicability – These rules regarding patient records shall apply only to those records, the information for which was obtained by psychologists, senior psychological examiners and psychological examiners or their professionally certified employees, or those over whom they exercise supervision, for purposes of services provided in any clinical setting other than those provided in a hospital as defined by T.C.A. § 68-11-302 (4), a hospital emergency room or hospital outpatient facility.
- (4) Patient Records –
- (a) Duty to Create and Maintain Patient Records – As a component of the standard of care and of minimal competency a psychologist, senior psychological examiner or psychological examiner must cause to be created and cause to be maintained a record for every patient for whom he or she, and/or any of his or her professionally certified supervisees, performs services or provides professional consultation.
  - (b) Notice – Anywhere in these rules where notice is required to be given to patients of any psychologist, senior psychological examiner or psychological examiner, that notice shall be required to be issued within thirty (30) days of the date of the event that triggers the notice requirement, and may be accomplished by public notice including, but not limited to:
    - 1. publication of the required information in a newspaper of general circulation in the area in which the licensee practices; or
    - 2. posting of the required information at the practice location.
  - (c) Content – All patient records, or summaries thereof, produced in the course of the practice of psychology for all patients shall include all information and documentation listed in T.C.A. § 63-2-101 (c) (2) and such additional information that is necessary to insure that a subsequent reviewing or treating psychologist, senior psychological examiner or psychological examiner can both ascertain the basis for the diagnosis, treatment plan and outcomes, and provide continuity of care for the patient.
    - 1. ~~Patient records include, but are not limited to:~~
      - (i) ~~modalities and frequencies of treatment furnished~~
      - (ii) ~~results of clinical tests~~
      - (iii) ~~counseling session start and stop times~~

(Rule 1180-1-.06, continued)

~~(iv) summaries of:~~

~~(I) diagnosis~~

~~(II) functional status~~

~~(III) treatment plan~~

~~(IV) symptoms~~

~~(V) prognosis~~

~~(VI) progress to date~~

1. Patient records include, but are not limited to:

(i) the name of the patient and other identifying information;

(ii) the presenting problem(s) or purpose of diagnosis;

(iii) the fee arrangement;

(iv) the date and substance of each billed or service-count contact or service;

(v) any test results or other evaluative results obtained in any basic test data from which they were derived (not including protocols);

(vi) notation and results of formal consults with other providers;

(vii) a copy of all test and other evaluative reports prepared as a component of the professional relationship; and

(viii) any releases executed by the patient

2. ~~Not included in patient records are:~~

~~(i) test data—raw and scaled scores, client/patient responses to test questions or stimuli, and notes and recordings concerning client/patient statements and behavior during an examination.~~

~~(ii) test materials—manuals, instruments, protocols, and test questions or stimuli.~~

~~(iii) psychotherapy notes—notes recorded (in any medium) by a psychologist, senior psychological examiner or psychological examiner, who is designated as a health service provider as defined in Rule 1180-1-.01, that document or analyze the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual's patient record.~~

2. Not included in patient records are test materials, such as manuals, instruments, protocols, and test questions or stimuli. Although not included in patient records, test materials such as manuals, instruments, protocols, and test questions or stimuli must be retained in accordance with the "Ethical Principles of

(Rule 1180-1-.06, continued)

Psychologists and Code of Conduct" published by the American Psychological Association

(d) Transfer -

1. Records of Psychologists, Senior Psychological Examiners and Psychological Examiners Upon Death or Retirement - When a psychologist, senior psychological examiner or psychological examiner retires or dies while in practice, patients seen by the psychologist, senior psychological examiner or psychological examiner in his/her office during the immediately preceding eighteen (18) months shall be notified, as provided in subparagraph (b), by the psychologist, senior psychological examiner, psychological examiner or his/her authorized representative and be informed that upon authorization, copies of the records will be sent to the new psychologist, senior psychological examiner or psychological examiner. This notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.
2. Records of Psychologists, Senior Psychological Examiners and Psychological Examiners upon Departure from a Group - The responsibility for notifying patients of a psychologist, senior psychological examiner or psychological examiner who leaves a group practice whether by death, retirement or departure shall be governed by the employment contract of the psychologist, senior psychological examiner or psychological examiner.
  - (i) Whomever is responsible for that notification must notify patients seen by the psychologist, senior psychological examiner or psychological examiner in his/her office during the immediately preceding eighteen (18) months of his/her departure, except that this notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.
  - (ii) Except where otherwise governed by provisions of the employment contract, those patients shall also be notified of the practitioner's new address and offered the opportunity to have copies of their records forwarded to the departing psychologist, senior psychological examiner or psychological examiner at his or her new practice. Provided however, a group shall not withhold the records of any patient who has authorized their transfer to the departing psychologist, senior psychological examiner or psychological examiner or any other practitioner.
  - (iii) The choice of practitioner in every case should be left to the patient, and the patient should be informed that upon authorization his/her records will be sent to the psychologist, senior psychological examiner or psychological examiner of the patient's choice.
3. Sale of a Psychology Practice - A psychologist, senior psychological examiner or psychological examiner or the estate of a deceased psychologist, senior psychological examiner or psychological examiner may sell the elements that comprise his/her practice, one of which is its goodwill, i.e., the opportunity to take over the patients of the seller by purchasing the patient records. Therefore, the transfer of records of patients is subject to the following:
  - (i) The psychologist, senior psychological examiner or psychological examiner (or the estate) must ensure that all patient records are transferred to another

(Rule 1180-1-.06, continued)

psychologist, senior psychological examiner or psychological examiner or entity that is held to the same standards of confidentiality as provided in these rules.

- (ii) Patients seen by the psychologist, senior psychological examiner or psychological examiner in his/her office during the immediately preceding eighteen (18) months shall be notified that the psychologist, senior psychological examiner or psychological examiner (or the estate) is transferring the practice to another practitioner or entity who will retain custody of their records and that at their written request the copies of their records will be sent to another practitioner or entity of their choice. This notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.
4. Abandonment of Records – For purposes of this section of the rules death of a psychologist, senior psychological examiner or psychological examiner shall not be considered as abandonment.
- (i) It shall be a prima facie violation of T.C.A. § 63-11-215 (b) (1) for a psychologist, senior psychological examiner or psychological examiner to abandon his practice without making provision for the security, or transfer, or otherwise establish a secure method of patient access to their records.
  - (ii) Upon notification that a psychologist, senior psychological examiner or psychological examiner in a practice has abandoned his practice and not made provision for the security, or transfer, or otherwise established a secure method of patient access to their records patients should take all reasonable steps to obtain their records by whatever lawful means available and should immediately seek the services of another psychologist, senior psychological examiner or psychological examiner.
- (e) Retention of Patient Records – Patient records shall be retained for a period of not less than seven (7) years from the last clinical contact between the patient and the psychologist, senior psychological examiner or psychological examiner, or their professionally certified supervisees except for the following:
- 1. Records for incompetent patients shall be retained indefinitely.
  - 2. Records of minors shall be retained for a period of not less than one (1) year after the minor reaches the age of majority or seven (7) years from the date of the last clinical contact with the patient, whichever is longer.
  - 3. Notwithstanding the foregoing, no patient record involving services which are currently under dispute shall be destroyed until the dispute is resolved.
- (f) Destruction of Patient Records -
- 1. No patient record shall be singled out for destruction other than in accordance with established office operating procedures.
  - 2. Records shall be destroyed only in the ordinary course of business according to established office operating procedures that are consistent with these rules.
  - 3. Records may be destroyed by burning, shredding, or other effective methods in keeping with the confidential nature of the records.

(Rule 1180-1-.06, continued)

4. When records are destroyed, the time, date and circumstances of the destruction shall be recorded and maintained for future reference.
- (5) Violations – Violation of any provision of these rules is grounds for disciplinary action pursuant to T.C.A. §§ 63-11-215 (b) (1), and/or (2).

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-11-104, 63-11-201, 63-11-202, 63-11-203, 63-11-213, and 63-11-215. **Administrative History:** Original rule filed September 12, 1974; effective October 12, 1974. Repeal and new rule filed June 6, 1978; effective September 28, 1978. Repeal and new rule filed September 29, 1995; effective December 13, 1995. Repeal and new rule filed August 29, 2000; effective November 12, 2000. Repeal and new rule filed March 21, 2005; effective June 4, 2005.

#### **1180-1-.07 RETIREMENT AND REACTIVATION OF LICENSE OR CERTIFICATE.**

- (1) A person who holds a current license or certificate and does not intend to practice as a licensed Psychologist, Senior Psychological Examiner, Psychological Examiner, or Certified Psychological Assistant may apply to convert an active license or certificate to retired status. An individual who holds a retired license or certificate is not required to pay the renewal fee.
- (2) A licensee may apply for retired status by filing a completed affidavit of retirement form and any required documentation with the Board's administrative office.
- (3) A person whose license has been retired and who has not practiced for up to two (2) years, or a person whose Tennessee license has been retired and who has been licensed in good standing and in continuous practice in another state, may re-enter active status provided there are no criminal or practice act violations which would prohibit initial licensure, by submitting to the Board administrative office a written request for licensure reactivation, the license renewal fee, the state regulatory fee and the late renewal fee.
- (4) A person whose license has been retired and who has not practiced for two years up to five (5) years may re-enter active status provided there are no criminal or practice act violations which would prohibit initial licensure, by submitting to the Board administrative office a written request for licensure reactivation, the license renewal fee, the state regulatory fee, the late renewal fee, and proof of successful completion of forty (40) hours of continuing education as provided in rule 1180-1-.08.
- (5) A person whose license or certificate has been retired and who has not practiced for over five (5) years may re-enter active status provided there are no criminal or practice act violations which would prohibit initial licensure or certification, by submitting to the Board administrative office a written request for licensure or certification reactivation, the license or certificate renewal fee, the state regulatory fee, the late renewal fee, proof of successful completion of forty (40) hours of continuing education as provided in rule 1180-1-.08, and by passing the jurisprudence and ethics examination if required, paying the jurisprudence and ethics examination exam fee as provided in rule 1180-1-.03, and obtaining six (6) months of supervision.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-111, 63-11-104, 63-11-201, 63-11-206, 63-11-207, 63-11-208, 63-11-209, 63-11-210, and 63-11-218. **Administrative History:** Original rule filed September 12, 1974; effective October 12, 1974. Repeal and new rule filed June 6, 1978; effective September 28, 1978. Repeal and new rule filed September 29, 1995; effective December 13, 1995. Repeal and new rule filed August 29, 2000; effective November 12, 2000. Amendment filed August 29, 2000; effective November 12, 2000. Amendment filed June 18, 2002; effective September 1, 2002. Amendment filed November 9, 2005; effective January 23, 2006. However, Stay of Effective Date filed by the Board of Examiners in Psychology on January 20, 2006; new effective date March 23, 2006.

(Rule 1180-1-.07, continued)

**1180-1-.08 CONTINUING EDUCATION.**

- (1) Hours required for Psychologists, Senior Psychological Examiners, and Psychological Examiners:
  - (a) Certified Psychological Assistants are required to pursue continuing education activities as directed by the supervising psychologist, as provided in Rule 1180-4-.01 (4) (f).
  - (b) Psychologists, Senior Psychological Examiners, and Psychological Examiners are required to obtain forty (40) hours of continuing education (CE) credit every two (2) years. This CE is to be acquired in the two (2) calendar years (January 1 - December 31) prior to the licensure renewal year.
  - ~~(c) Nine (9) CE hours of the forty (40) hours required in subparagraph (b) must be received from a Type I CE program as provided by this rule.~~
  - (c) Nine (9) CE hours of the forty (40) hours required in subparagraph (b) must be received from a Type I CE program as provided by this rule. All continuing education hours obtained via the internet must be from a Type I CE program.
  - (d) Nine (9) CE hours of the forty (40) hours required in subparagraph (b) must be received from Type I or Type II CE programs as provided by this rule.
  - ~~(e) Twenty-two (22) CE hours of the forty (40) hours required in subparagraph (b) may be received from Type I, II, or III programs as provided by this rule. Three (3) hours of the twenty-two (22) hours required in this subparagraph shall pertain to:
    - ~~1. Tennessee Code Annotated, Title 63, Chapter 11; and~~
    - ~~2. Official Compilation, Rules and Regulations of the State of Tennessee, Chapters 1180-1, 1180-2, 1180-3, and 1180-4; and~~
    - ~~3. The version of the "Ethical Standards" which are part of the "Ethical Principles of Psychologists and Code of Conduct" published by the American Psychological Association (A.P.A.), and approved by the A.P.A.'s Council of Representatives on August 21, 2002 to become effective on June 1, 2003.~~~~
  - (e) Twenty-two (22) CE hours of the forty (40) hours required in subparagraph (b) must be received from Type I, II, or III programs as provided by this rule.
  - ~~(f) Experiences unacceptable as continuing education include, but are not limited to, administrative activities, psychotherapy, personal growth or enrichment.~~
  - (f) Three (3) CE hours shall pertain to cultural diversity as specifically noted in the title, description of objectives, or curriculum of the presentation, symposium, workshop, seminar, course or activity. Cultural diversity includes aspects of identity stemming from age, disability, gender, race/ethnicity, religious/spiritual orientation, sexual orientation, socioeconomic status, and other cultural dimensions. The topic of the presentation, symposium, workshop, seminar, course or activity need not be on cultural diversity, but one of the objectives or descriptions of the topics covered, shall clearly indicate attention to cultural diversity. These hours shall be Type I or Type II.
  - (g) Three (3) CE hours of Type I or Type II shall pertain to:

(Rule 1180-1-.08, continued)

1. Tennessee Code Annotated, Title 63, Chapter 11; and
  2. Official Compilation, Rules and Regulations of the State of Tennessee, Chapters 1180-01, 1180-02, 1180-03 and 1180-04; and
  3. The current version of the "Ethical Standards" which are part of the "Ethical Principles of Psychologists and Code of Conduct" published by the American Psychological Association (A.P.A.).
- (h) Experiences unacceptable as continuing education include, but are not limited to, administrative activities, psychotherapy, personal growth or enrichment.
- (2) Type I continuing education
- (a) Type I continuing education is offered by APA-approved providers of educational programs.
  - (b) Type I CE learning activities and related skills and knowledge are postdoctoral in nature.
  - (c) Type I CE includes formal learning objectives and evaluation of learning activities.
  - (d) Type I CE is primarily psychological in nature or is relevant to the science and practice of psychology.
  - (e) Type I CE offerings must have a pre-assigned number of CE credit hours and provide documentation indicating the course was APA-approved.
  - (f) Type I CE may be fulfilled via internet. No more than twenty (20) hours shall be obtained from an internet source.
- (3) Type II continuing education
- (a) Type II CE is primarily psychological in nature or is relevant to the science and practice of psychology.
  - (b) Type II CE offerings must provide documentation of attendance and must have a pre-assigned number of CE credit hours under the auspices of any of the following:
    1. A regional psychological association
    2. A state psychological association
    3. Any recognized and relevant credentialing national, regional or state professional body
    4. An institution housing an APA-approved internship program.
    5. A nationally recognized accredited college or university with a health-related professional training program.
    6. Graduate courses in an APA-approved graduate psychology program. (To be assigned fifteen [15] Type II CE units per semester hour)
    7. Passing the ABPP exam. (To be assigned twenty [20] hours of Type II CE credit)

(Rule 1180-1-.08, continued)

(4) Type III continuing education

- (a) Type III CE consists of learning experiences that are less structured than Type I or Type II CE and provide information that is primarily psychological in nature or is relevant to the science and practice of psychology.
- (b) Type III CE may consist of
  - 1. clinical peer consultation groups; or
  - 2. research presentations and convention workshops that incorporate multiple, brief presentations with many different learning objectives that are less amenable to a single evaluation; or
  - 3. clinical supervision provided to students, interns, and post-doctoral fellows in accredited programs on a basis that is voluntary, uncompensated, and external to that program. A maximum of ten (10) CE hours per two (2) calendar years (January 1 - December 31) is allowed.
- (c) Sources of Type III continuing education
  - 1. Meetings - Registration and attendance at meetings of recognized professional psychology organizations (local, state, regional, national or international). Acceptable documentation will consist of a copy of the licensee's registration receipt from the meeting. One (1) clock hour equals one (1) CE hour.
  - 2. Teaching and presentations.
    - (i) Psychology presentations at relevant professional meetings. Acceptable documentation will consist of a copy of the program or agenda and the number of clock hours. A maximum of three (3) CE hours per presentation is allowed.
    - (ii) Preparation and delivery of guest lectures to academic or public groups. Acceptable documentation will consist of a copy of a printed agenda, program or class syllabus. A maximum of one (1) CE hour per lecture is allowed.
    - (iii) Developing and teaching an academic psychology course in an institution accredited by a regional accrediting association. For the initial development of the course and its teaching, one semester length three (3) credit hour course equals twenty-two (22) CE hours; one quarter length three (3) credit hour course equals twenty-two (22) CE hours. Acceptable documentation will consist of a letter from the department head or dean of the institution stating that the licensee taught the course for the first time and the number of credits, units or hours assigned for the course.
  - 3. Publications
    - (i) Writing or editing a published book, or writing a book chapter or a refereed journal article shall be assigned twenty-two (22) hours of Type III CE credit. Acceptable documentation will consist of a personal log detailing the published materials.
    - (ii) Developing for teaching purposes a videotape or interactive computer program shall be assigned twenty-two (22) hours of Type III CE credit. Acceptable

(Rule 1180-1-.08, continued)

- documentation will consist of a personal log detailing the videotape or computer program.
- (iii) Being the principal editor of a journal or serving on the editorial board of a journal article shall be assigned twenty-two (22) hours of Type III CE credit. Acceptable documentation will consist of a personal log detailing the published materials.
  - (iv) Serving as a reviewer of a journal article shall be assigned one (1) hour of Type III CE credit per manuscript. Acceptable documentation will consist of a personal log detailing the published materials.
- 4. Workshops, seminars or courses - Relevant non-accredited psychology workshops, seminars or courses shall be assigned a maximum of ten (10) hours of Type III CE credit per year. Acceptable documentation will consist of certificates of attendance or registration receipts.
  - 5. Serving as a member of the Board shall be assigned a maximum of ten (10) hours of Type III CE credit per year.
  - 6. Serving as a member of an oral examining committee for the Board shall be assigned one (1) hour of Type III CE credit per exam.
- (5) Continuing education courses may be presented in the traditional lecture and classroom formats or, with successful completion of a written post experience examination to evaluate material retention, in Multi-Media formats.
- (a) Multi-Media courses may include courses utilizing:
    - 1. The Internet
    - 2. Closed circuit television
    - 3. Satellite broadcasts
    - 4. Correspondence courses
    - 5. Videotapes
    - 6. CD-ROM
    - 7. DVD
    - 8. Teleconferencing
    - 9. Videoconferencing
    - 10. Distance learning
  - (b) Licensees with disabilities or other hardships severely restricting travel away from home may petition the Board in writing to request exceptions to the manner in which they accumulate CE credits.
- (6) Documentation. Each licensee shall maintain documentation of CE hours for five (5) years and should prepare a summary report with documentation yearly. Documentation of completed CE hours must be

(Rule 1180-1-.08, continued)

produced for inspection and verification if requested in writing by the Board. The Board shall not maintain CE files.

(7) Violations.

- (a) Any licensee who falsely certifies attendance and completion of the required CE hours may be subject to disciplinary action pursuant to T.C.A. § 63-11-215.
- (b) Any licensee who fails to obtain the required CE hours may be subject to disciplinary action pursuant to T.C.A. § 63-11-215.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201, 63-11-206, and 63-11-218. **Administrative History:** Original rule filed September 12, 1974; effective October 12, 1974. Repeal and new rule filed June 6, 1978; effective September 28, 1978. Repeal and new rule filed September 29, 1995; effective December 13, 1995. Repeal and new rule filed August 29, 2000; effective November 12, 2000. Amendment filed June 18, 2002; effective September 1, 2002. Amendment filed March 21, 2005; effective June 4, 2005. Amendment filed November 9, 2005; effective January 23, 2006.

**1180-1-.09 PROFESSIONAL ETHICS.**

- (1) The Board adopts, as if fully set out herein and to the extent that it does not conflict with state law, rules or Board Position Statements, as its ethical standards the specific "Ethical Standards" which are part of the "Ethical Principles of Psychologists and Code of Conduct" published by the American Psychological Association (A.P.A.). The version adopted by the Board was approved by the A.P.A.'s Council of Representatives on August 21, 2002 to become effective on June 1, 2003.
- (2) In the case of a conflict the state law, rules or position statements shall govern. Violation of the Board's ethical standards shall be grounds for disciplinary action pursuant to T.C.A. § 63-11-215 (b) (1).
- (3) A copy of the A.P.A. "Ethical Standards" which are part of the "Ethical Principles of Psychologists and Code of Conduct" may be obtained from the Order Department of the A.P.A. at 750 First Street, NE, Washington, DC 20002-4242 or by phone at (202) 336-5510, or on the Internet at <http://www.apa.org/ethics>.
- (4) Applicability of the Ethical Standards. The activity of a licensee or certificate holder subject to the Ethical Standards may be reviewed only if the activity is part of his or her work-related functions or the activity is psychological in nature. Personal activities having no connection to or effect on psychological roles are not subject to the Ethical Standards.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201, 63-11-204, 63-11-206, 63-11-207, 63-11-208, 63-11-213, 63-11-214, and 63-11-215. **Administrative History:** Original rule filed August 29, 2000; effective November 12, 2000. Amendment filed June 18, 2002; effective September 1, 2002. Amendment filed May 29, 2003; effective August 12, 2003.

**1180-1-.10 DISCIPLINARY GROUNDS, ACTIONS, CIVIL PENALTIES, SETTLEMENTS, AND SCREENING PANELS.**

- (1) Grounds and authority for disciplinary actions. The Board shall have the power to deny an application for a license or certificate to any applicant. The Board shall have the authority to suspend or revoke a license or certificate, reprimand or otherwise discipline by a monetary fine any licensee or certificate holder. Formal disciplinary proceedings before the Board shall comply with the Administrative Procedures Act, T.C.A. §§ 4-5-301, *et. seq.* The grounds upon which the Board shall exercise such power include, but are not limited to, the following:

(Rule 1180-1-.10, continued)

- (i) Approved by a majority of the members of the screening panel which issued them; and
- (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee or certificate holder; and
- (iii) Subsequently presented to and ratified by the Board or a duly constituted panel of the Board.

**Authority:** T.C.A. §§4-5-105, 4-5-202, 4-5-204, 4-5-217, 4-5-223, 63-1-122, 63-1-134, 63-1-138, 63-11-104, 63-11-201, and 63-11-215 through 63-11-217. **Administrative History:** Original rule filed August 29, 2000; effective November 12, 2000. Amendment filed June 18, 2002; effective September 1, 2002. Amendment filed August 9, 2004; effective October 23, 2004.

#### 1180-1-.11 LICENSE OR CERTIFICATE.

- (1) Display of License or Certificate. Every person licensed by the Board shall display the license or certificate in a conspicuous place in his or her office and, whenever required, exhibit such license or certificate to the Board or its authorized representatives.
- (2) Replacement License or Certificate. A license or certificate holder whose "artistically designed" license or certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and a recent signed passport type photograph and the required replacement license or certificate fee.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-109, 63-11-104, 63-11-201, and 63-11-212. **Administrative History:** Original rule filed August 29, 2000; effective November 12, 2000. Amendment filed June 18, 2002; effective September 1, 2002.

#### 1180-1-.12 CHANGE OF ADDRESS AND/OR NAME.

- (1) Change of address. Each person holding a license or certificate who has had a change of address or place of employment shall file in writing with the Board his or her current address, giving both old and new addresses. Notifications shall be received in the Board's administrative office no later than thirty (30) days after the change is effective and must reference the individual's name, profession and license or certificate number.
- (2) Change of name. An individual registered with the Board shall notify the Board in writing within thirty (30) days of a name change and will provide both the old and new names. A notice of name change must also include a copy of the legal document which implements the name change and reference the individual's profession, Board and license or certificate number.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-108, 63-11-104, and 63-11-201. **Administrative History:** Original rule filed August 29, 2000; effective November 12, 2000. Amendment filed June 18, 2002; effective September 1, 2002.

#### 1180-1-.13 MANDATORY RELEASE OF PATIENT RECORDS.

- (1) Within ten (10) working days of receipt of a written request from a patient or the patient's authorized representative, an individual licensed by this Board shall provide a complete copy of the patient's records, or summary of such records which were maintained by the provider.

- ~~(2) A licensee shall be entitled to charge reasonable costs not to exceed ten dollars (\$10.00) for reports twenty (20) pages or less in length and twenty five cents (25¢) per page for each page copied after the first twenty (20) pages for copying and mailing patient records.~~
- (2) A licensee shall be entitled to charge reasonable costs, as outlined by T.C.A. § 63-2-102, for the reproduction of records to a third party not to exceed twenty dollars (\$20.00) for reports or records five (5) pages or less in length and fifty cents (\$.50) per page for each page copied after the first five (5) pages for copying and mailing patient records.

*Authority:* T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, and 63-11-104. *Administrative History:* Original rule filed August 29, 2000; effective November 12, 2000.

**1180-1-.14 BOARD MEETINGS, OFFICERS, CONSULTANTS, RECORDS AND DECLARATORY ORDERS.** The Board is charged with the responsibility of regulating the practice of psychology in order to protect the citizens of Tennessee. The Board, by formulating and administering examinations, credentials candidates for licensure and continues this credentialing process by approving educational seminars for licensees or certificate holders in appropriate subject material, or specific educational requirements for an individual licensee or certificate holder as the result of a censure, reprimand or action taken in a formal hearing conducted or ratified by the Board.

- (1) Board meetings.
  - (a) The time, place and frequency of Board meetings shall be at the discretion of the Board, except at least one (1) meeting shall be held annually.
  - (b) Special meetings are called at the discretion of the Board chair or at the written request from two (2) members of the Board.
  - (c) All meetings of the Board shall be open to the public.
- (2) The Board shall elect from its members the following officers:
  - (a) Chair. The member who shall preside at all Board meetings, appoint committees and correspond with other Board members when appropriate.
  - (b) Vice Chair. The member whose duties will be to preside at a Board meetings in the absence or unavailability of the Chair and who along with the Board administrator shall be responsible for correspondence from the Board and executing all official documents which require the seal of the Board to be affixed.
- (3) Responsibilities of the Board include, but are not limited to:
  - (a) Adopt and revise rules as may be necessary to carry out its powers and duties.
  - (b) Adopt and/or administer examinations.
  - (c) Examine applications and deny, withhold or approve the licenses or certificates of applicants and renew licenses or certificates.
  - (d) Appoint designee(s) to assist in the performance of its duties, (i.e., examination proctors).
  - (e) Conduct hearings.
- (4) Conflict of interest. Any Board member having an immediate personal, private or financial interest in any matter pending before the Board shall disclose the fact in writing or orally at a public meeting and shall not vote upon such matter.

**RULES  
OF  
THE BOARD OF EXAMINERS IN PSYCHOLOGY**

**CHAPTER 1180-2  
RULES GOVERNING PSYCHOLOGISTS**

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**1180-2-.01 SCOPE OF PRACTICE.**

- (1) The scope of practice of a Psychologist is prescribed and limited by Tennessee Code Annotated, Title 63, Chapter 11 and the rules set forth in this chapter and chapter 1180-1.
- (2) A license issued by the Board specifies licensure as a Psychologist. The Board may grant designation as a Health Service Provider to qualifying Psychologists. HSP designation will be displayed on the renewal certificate.
- (3) Psychologists shall limit their practices to the use of those techniques, and to providing services to those populations, for which they have formal education, formal professional training and supervised experience, and for which they hold licensure.
- (4) Health services may be provided only by Psychologists with HSP designation. The scope of practice of Psychologists with HSP designation is limited to those health services for which the licensee has obtained education and specific training to provide.
- (5) The practice of a Psychologist includes, but is not limited to:
  - (a) Psychological testing and/or the evaluation or assessment of personal characteristics, such as intelligence, personality, mental status, psychopathology, abilities, achievement, interests, aptitudes and neuropsychological functioning;
  - (b) Behavioral analysis;
  - (c) Psychological evaluation or assessment or analysis of organizations and organizational functioning;
  - (d) Counseling, psychoanalysis, psychotherapy, group therapy, marital therapy, family therapy, hypnosis, hypnotherapy, biofeedback and behavior therapy;
  - (e) Psychological diagnosis and treatment of mental, emotional and nervous disorders or disabilities, developmental deviation or disability, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspect of physical illness, accident, injury or disability;
  - (f) Psychoeducational evaluation, psychoeducational therapy, developmental therapy, remediation and consultation; and
  - (g) Case management and utilization review of services and psychological consultations, program planning, and psychological research to industrial, business and corporate organizations.

(Rule 1180-2-.01, continued)

- (6) A Psychologist's services may be rendered to individuals, families, groups, organizations and the public, without regard to whether payment is received for services rendered.
- (7) ~~Standards for supervision of Psychologists, Psychological Examiners, and Certified Psychological Assistants~~
- (7) Standards for supervision of Psychologists, Psychological Examiners and Certified Psychological Assistants by Psychologists
- ~~(a) Supervision must meet minimum standards and a supervisor of record must be made known to the Board. When a Psychologist renews his or her license he or she must list those Psychologists, Psychological Examiners, and Certified Psychological Assistants whom the Psychologist supervises and for whom he or she is the supervisor of record. When a Psychological Examiner or Certified Psychological Assistant renews his/her license or certificate, that individual must list his/her primary supervisor(s) if engaging in activities requiring supervision.~~
- (a) Supervision must meet minimum standards and a supervisor of record must be made known to the Board. When a Psychologist renews his or her license he or she must list those Psychologists, Psychological Examiners, and Certified Psychological Assistants whom the Psychologist supervises and for whom he or she is the supervisor of record.
- (b) Qualified supervision requires that a licensed Psychologist, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and frequent basis. The supervising Psychologist for Psychological Examiners, Certified Psychological Assistants, and for Psychologists delivering health services must also be designated as a HSP.
- (c) The supervising Psychologist shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.
- ~~(d) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision.~~
- (d) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision. Supervision conducted via face-to-face video conferencing equipment and/or technology is acceptable, assuming compliance with subparagraphs (7)(a) through (7)(e) of this rule. "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.
1. Supervision is to be conducted primarily on a one-on-one basis and shall be in addition to any group seminar or group consultations which are also deemed appropriate. Thus, adequate supervision will require considerable one-on-one contact and time with respect to each client. Records of the supervision process must be maintained by the supervisor covering the number of hours of supervision activities, the number and duration of one-on-one supervisory meetings and documentation of clients discussed at each supervisory session.
  2. A supervisor, at the time of supervision, must not be in a dual relationship with the supervisee, e.g., be a spouse, other close relative or therapist.
- (e) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Psychologist upon whom it is incumbent to assure supervisory time and service

(Rule 1180-2-.01, continued)

delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The education, training, experience, ongoing performance and level of licensure or certification of the supervisee must be considered by the supervisor. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. In situations where supervision has been regular and frequent and one-on-one contact has occurred, the frequency and intensity of supervision may, at the discretion of the supervising Psychologist upon determination of the supervisee's competence and readiness, be modified. Ultimately, the supervising Psychologist of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics. (Requirements for Psychologists receiving supervision as part of the experience requirement for designation as a HSP are contained in 1180-2-.02(2)(d).)

1. The standard for supervision of newly licensed individuals with a provisional license as a Psychologist with HSP designation and for Psychological Examiners is one (1) hour per week.
2. The standard for supervision of experienced (licensed for at least five [5] years) Psychological Examiners is that it shall occur no less than monthly. If an experienced Psychological Examiner changes supervisors, the experienced Examiner may follow the monthly supervision standard if agreed to by both the Psychologist supervisor and the experienced Psychological Examiner in question.
- ~~3. The standard for supervision of Certified Psychological Assistants is direct and frequent (more than one [1] hour a week) supervision to take place at the site of the service.~~
3. The standard of supervision of Certified Psychological Assistants is direct and frequent supervision to take place at the site of service, considering the number of hours worked per week and the experience level of the Certified Psychological Assistant.

- (8) The Board shall consider that an individual, either licensed or unlicensed, is violating these limits of practice if his/her conduct includes, but is not limited to, the following:
  - (a) Claiming expertise or using techniques or procedures of assessment or treatment for which the practitioner has not completed appropriate academic course work or supervised training experience;
  - (b) Knowingly assigning, permitting or hiring any unqualified person(s) to perform functions of assessment or treatment or delegating the provisions of psychological services to unqualified person(s);
  - (c) Failing to adequately supervise any assigned trainee or employee who is providing psychological services;
  - (d) Aiding, abetting, assisting, or hiring any individual to violate or circumvent any law or duly promulgated rule intended to guide the conduct of psychological services; or
  - (e) Providing or claiming to provide health services as a Psychologist without a designation as a HSP.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201 through 63-11-208, 63-11-214, and 63-11-215.  
**Administrative History:** Original rule filed June 6, 1978; effective July 6, 1978. Repeal and new rule filed January

**RULES  
OF  
THE BOARD OF EXAMINERS IN PSYCHOLOGY**

**CHAPTER 1180-3  
RULES GOVERNING PSYCHOLOGICAL EXAMINERS  
AND SENIOR PSYCHOLOGICAL EXAMINERS**

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1180-3-.01	Scope of Practice	1180-3-.04	Repealed
1180-3-.02	Qualifications for Licensure	1180-3-.05	Repealed
1180-3-.03	Procedures for Licensure		

**1180-3-.01 SCOPE OF PRACTICE.**

- (1) The scope of practice of Psychological Examiners and Senior Psychological Examiners is prescribed and limited by Tennessee Code Annotated, Title 63, Chapter 11 and the rules set forth in this chapter and Chapter 1180-1. A license issued by the Board specifies licensure as a Psychological Examiner or as a Senior Psychological Examiner.
- (2) Psychological Examiners and Senior Psychological Examiners shall limit their practices to the use of those techniques, and to providing services to those populations, for which they have formal education, formal professional training and supervised experience, and for which they hold licensure.
- (3) Psychological Examiners who have had appropriate education, training and supervised practice experience may provide the following psychological services without supervision:
  - (a) Interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics for such purposes as psychological evaluation or for educational or vocational guidance, selection or placement, including establishment of intellectual level of functioning or learning deficit for school placement; or
  - (b) Psychological research services to industrial, business and corporate organizations.
- ~~(4) Psychological Examiners who have had appropriate education, training, and supervised practice experience may provide the following psychological services only under the qualified supervision of a licensed Psychologist designated as a HSP:~~
- (4) Psychological Examiners who have had appropriate education, training, and supervised practice experience may provide the following psychological services only under the qualified supervision of a licensed Psychologist designated as a HSP or Senior Psychological Examiner:
  - (a) Overall personality appraisal or classification, including assessment and diagnosis of psychopathology or mental illness; or
  - (b) Personality counseling, psychotherapy, behavior analysis, or personality readjustment techniques.
- (5) Senior Psychological Examiners are Health Service Providers and may provide the following psychological services without supervision:
  - (a) Interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics for such purposes as psychological evaluations, or for educational or vocational guidance, selection or placement, including establishment of intellectual level of functioning or learning deficit for school placement; or

(Rule 1180-3-.01, continued)

- (b) Psychological research services to industrial, business and corporate organizations; or
  - (c) Overall personality appraisal or classification, including psychological testing, projective testing, evaluation for disability or vocational purposes, and diagnosis of nervous or mental disorders; or
  - (d) Personality counseling, psychotherapy, behavior analysis, or personality readjustment techniques, or
  - (e) Supervision of a Psychological Examiner and/or a Certified Psychological Assistant
- ~~(6) Standards for supervision of Psychological Examiners.~~
- (6) Standards for supervision of Psychological Examiners and Certified Psychological Assistants by Senior Psychological Examiners.
- (a) Supervision must meet minimum standards and a supervisor of record must be made known to the Board.
    - 1. Before supervision of Psychological Examiners may occur, a Board-supplied form shall be submitted to the Board's administrative office. Such form shall be signed by both the supervisor and the supervisee, and shall list
      - ~~(i) those Psychological Examiners whom the Psychologist supervises and for whom he or she is the supervisor of record; or~~
      - (i) A Senior Psychological Examiner must list the Psychological Examiners and/or Certified Psychological Assistants for whom he or she is the supervisor of record. When a Senior Psychological Examiner renews his or her license, he or she must list those Psychological Examiners and/or Certified Psychological Assistants whom the Senior Psychological Examiner supervises and for whom he or she is the supervisor of record.
      - ~~(ii) a Psychological Examiner must list his/her primary supervising Psychologist(s) if engaging in activities requiring supervision~~
      - (ii) A Psychological Examiner must list his/her primary supervising Senior Psychological Examiner if engaging in activities requiring supervision. When a Psychological Examiner renews his/her license or certificate, that individual must list his/her primary supervisor(s) if engaging in activities requiring supervision
    - 2. The Board-supplied form may be obtained by contacting the Board's administrative office, or by downloading it from the Board's web page on the Internet.
  - (b) ~~Qualified supervision requires that a licensed Psychologist, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and frequent basis. The supervising Psychologist for Psychological Examiners delivering health services must also be designated as a HSP~~
  - (b) Qualified supervision requires that a licensed Senior Psychological Examiner, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and frequent basis.

(Rule 1180-3-.01, continued)

- ~~(c) The supervising Psychologist shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.~~
- ~~(c) The supervising Senior Psychological Examiner shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.~~
- ~~(d) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision.~~
- (d) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision. Supervision conducted via face-to-face video conferencing equipment and/or technology is acceptable, assuming compliance with subparagraphs (6)(a) through (6)(e) of this rule. "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.
1. **Supervision is to be conducted primarily on a one-on-one basis and shall be in addition to any group seminar or group consultations which are also deemed appropriate. Thus, adequate supervision will require considerable one-on-one contact and time with respect to each client. Records of the supervision process must be maintained by the supervisor covering the number of hours of supervision activities, the number and duration of one-on-one supervisory meetings and documentation of clients discussed at each supervisory session.**
  2. **A supervisor, at the time of supervision, must not be in a dual relationship with the supervisee, e.g., be a spouse, other close relative or therapist.**
- ~~(e) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Psychologist upon whom it is incumbent to assure supervisory time and service delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The education, training, experience, ongoing performance and level of licensure of the supervisee must be considered by the supervisor. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. In situations where supervision has been regular and frequent and one-on-one contact has occurred, the frequency and intensity of supervision may, at the discretion of the supervising Psychologist upon determination of the supervisee's competence and readiness, be modified. Normally such supervision will occur weekly. Ultimately, the supervising Psychologist of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics. (Requirements for Psychologists receiving supervision as part of the experience requirement for designation as a HSP are contained in 1180-2-.02(2)(d).)~~
- (e) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Senior Psychological Examiner upon whom it is incumbent to assure supervisory time and service delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The education, training, experience, ongoing performance and level of licensure of the supervisee must be considered by the supervisor. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. In situations where supervision has been regular and frequent and one-on-one contact has occurred, the frequency and intensity of supervision may, at the discretion of the supervising Senior Psychological Examiner upon determination of the supervisee's competence and readiness, be modified. Normally such supervision will occur weekly. Ultimately, the supervising Senior Psychological Examiner of

(Rule 1180-3-.01, continued)

record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics. (Requirements for Psychologists receiving supervision as part of the experience requirement for designation as a HSP are contained in 1180-02-.02(2)(d).)

~~1. The standard for supervision of newly licensed Psychological Examiners is one (1) hour per week.~~

~~1. The standard for supervision of newly supervised (less than five [5] years) Psychological Examiners is one (1) hour per week.~~

~~2. The standard of supervision for experienced (licensed for at least five [5] years) Psychological Examiners is that it shall occur no less than monthly. If an experienced Psychological Examiner changes supervisors, the experienced Psychological Examiner may follow the monthly supervision standard if agreed to by both the Psychologist supervisor and the experienced Psychological Examiner in question.~~

~~2. The standard of supervision for experienced (supervised for at least five [5] years) Psychological Examiners is that it shall occur no less than monthly. If an experienced Psychological Examiner changes supervisors, the experienced Psychological Examiner may follow the monthly supervision standard if agreed to by the Senior Psychological Examiner supervisor and the experienced Psychological Examiner in question~~

(7) The Board shall consider that an individual, either licensed or unlicensed, is violating these limits of practice if his/her conduct includes, but is not limited to, the following:

- (a) Claiming expertise or using techniques or procedures of assessment or treatment for which the practitioner has not completed appropriate academic course work or supervised training experience;
- (b) Knowingly assigning, permitting or hiring any unqualified person(s) to perform functions of assessment or treatment or delegating the provisions of psychological services to unqualified person(s);
- (c) Failing to adequately supervise any assigned trainee or employee who is providing psychological services;
- (d) Aiding, abetting, assisting, or hiring any individual to violate or circumvent any law or duly promulgated rule intended to guide the conduct of psychological services; or
- (e) Providing or claiming to provide the services listed in paragraph (4) without supervision, unless licensed as a Senior Psychological Examiner.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201 through 63-11-208, 63-11-214, 63-11-215, and Public Acts of 2001, Chapter 123. **Administrative History:** Original rule filed August 29, 2000; effective November 12, 2000. Amendment filed June 18, 2002; effective September 1, 2002. Amendment filed January 5, 2004; effective March 20, 2004.

**1180-3-.02 QUALIFICATIONS FOR UPGRADE.** To become licensed as a Senior Psychological Examiner, completion of one (1) of the following requirements is necessary:

- (1) Licensed as a Psychological Examiner prior to July 1, 1991, and rendering health-related clinical activities or services.
- (2) Licensed as a Psychological Examiner after June 30, 1991, and rendering health-related clinical activities or services; and

**RULES  
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**CHAPTER 1180-4  
RULES GOVERNING CERTIFIED PSYCHOLOGICAL ASSISTANTS**

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1180-4-.03 Procedures for Certification

1180-4-.02 Qualifications for Certification

**1180-4-.01 SCOPE OF PRACTICE.**

- (1) The scope of practice of a Certified Psychological Assistant is prescribed and limited by Tennessee Code Annotated, Title 63, Chapter 11 and the rules set forth in this chapter and chapter 1180-1.
- (2) A certificate issued by the Board specifies certification as a Certified Psychological Assistant.
- ~~(3) Certified Psychological Assistants shall limit their practices to the use of those techniques, and to providing services to those populations, for which they have formal education, formal professional training and supervised experience, and for which they hold certification. Because no education, professional training, supervised experience and practicum in psychotherapy or other intervention activities is prescribed in the statute, the scope of practice for certified psychological assistants is specifically restricted to psychological assessment, psychological testing, and related activities, with no certified psychological assistant allowed to engage in psychotherapy or any other form of therapeutic intervention.~~
- (3) Certified Psychological Assistants shall limit their practices to the use of those techniques, and to providing services to those populations, for which they have formal education, formal professional training and supervised experience, and for which they hold certification. Because no education, professional training, supervised experience and practicum in psychotherapy or other therapeutic intervention activities is prescribed in the statute, the scope of practice for certified psychological assistants is specifically restricted to psychological assessment, psychological testing, and related activities, with no certified psychological assistant allowed to engage in psychotherapy or any other form of therapeutic intervention. The supervised practice of a Certified Psychological Assistant may include, but is not limited to:
  - (a) Participates in psychological evaluations and clinical assessments of patients/clients utilizing a wide variety of assessment techniques and instruments thereby providing psychological data;
  - (b) Administers psychological testing, monitors mental status of patients, and participates in treatment teams which evaluate, develop, implement, and document patient's treatment progress;
  - (c) Assists with classification information on patients and recommendations on service needs, identification and recommendation of services for the handicapped, and crisis intervention;
  - (d) Screens patients for appropriate treatments;
  - (e) Provides educational/information services for patients;

(Rule 1180-4-.01, continued)

- (f) Participates in both basic and applied research endeavors and contributes to the basic fund of psychological knowledge;
  - (g) May assist in psychological screening of employees; and
  - (h) May supervise/direct the work of clerical/related staff in the performance of their duties as assigned.
- (4) ~~Certified Psychological Assistants, who have had appropriate education, training and supervised practice experience, may render to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology and only under the direct employment and qualified supervision of a Psychologist or the employment of a community mental health center or state governmental agency and the qualified supervision of a Psychologist with HSP designation.~~
- (4) Certified Psychological Assistants, who have had appropriate education, training and supervised practice experience, may render to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology as defined in paragraph three (3) above and only under the direct employment and qualified supervision of a Psychologist with HSP designation or a Senior Psychological Examiner; or the employment of a community mental health center or state governmental agency and the qualified supervision of a Psychologist with HSP designation or a Senior Psychological Examiner.
- (a) ~~Supervision must meet minimum standards and a supervisor of record must be made known to the Board.~~
  - (a) Supervision must meet minimum standards and a supervisor of record must be made known to the Board. Supervision conducted via face-to-face video conferencing equipment and/or technology is acceptable, assuming compliance with subparagraphs (4)(a) through (4)(g) of this rule. "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.
    - 1. **Before supervision of Certified Psychological Assistants may occur, a Board-supplied form shall be submitted to the Board's administrative office. Such form shall be signed by both the supervisor and the supervisee, and shall list**
      - (i) ~~those Certified Psychological Assistants whom the Psychologist supervises and for whom he or she is the supervisor of record; or~~
      - (i) those Certified Psychological Assistants whom the Psychologist or Senior Psychological Examiner supervises and for whom he or she is the supervisor of record; or
      - (ii) **a Certified Psychological Assistant must list his/her primary supervisor(s) if engaging in activities requiring supervision.**
    - 2. **The Board-supplied form may be obtained by contacting the Board's administrative office, or by downloading it from the Board's web page on the Internet.**
  - (b) ~~Qualified supervision requires that a licensed Psychologist, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and~~

(Rule 1180-4-.01, continued)

~~frequent basis. The supervising Psychologist for Certified Psychological Assistants delivering health services must also be designated as a HSP.~~

- ~~(b) Qualified supervision requires that a licensed Psychologist or Senior Psychological Examiner, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and frequent basis. The supervising Psychologist for Certified Psychological Assistants delivering health services must also be designated as a HSP.~~
- ~~(e) The supervising Psychologist shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.~~
- ~~(c) The supervising Psychologist or Senior Psychological Examiner shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.~~
- (d) The supervising Psychologist shall limit his/her supervision of Certified Psychological Assistants to psychological assessment activities. The supervising psychologist should not supervise the Certified Psychological Assistant for psychotherapy or other forms of intervention.
- (e) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision.
  - 1. Supervision is to be conducted primarily on a one-on-one basis and shall be in addition to any group seminar or group consultations which are also deemed appropriate. Thus, supervision will require considerable one-on-one contact and time with respect to each client. Records of the supervision process must be maintained by the supervisor covering the number of hours of supervision activities, the number and duration of one-on-one supervisory meetings and documentation of clients discussed at each supervisory session.
  - 2. A supervisor, at the time of supervision, must not be in a dual relationship with the supervisee, e.g., be a spouse, other close relative or therapist.
- ~~(f) The supervising Psychologist has responsibility to require that the Certified Psychological Assistant complete continuing education to maintain continued competence.~~
- ~~(f) The supervising Psychologist or Senior Psychological Examiner has responsibility to require that the Certified Psychological Assistant complete continuing education to maintain continued competence.~~
- ~~(g) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Psychologist upon whom it is incumbent to assure supervisory time and service delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The supervisor must consider the education, training, experience, ongoing performance and level of licensure of the supervisee. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. The supervising Psychologist of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics. (Requirements~~

(Rule 1180-4-.01, continued)

~~for Psychologists receiving supervision as part of the experience requirement for designation as a HSP are contained in 1180-2-.02 (2) (d).)~~

- ~~(g) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Psychologist or Senior Psychological Examiner upon whom it is incumbent to assure supervisory time and service delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The supervisor must consider the education, training, experience, ongoing performance and level of licensure of the supervisee. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. The supervising Psychologist or Senior Psychological Examiner of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics. (Requirements for Psychologists receiving supervision as part of the experience requirement for designation as a HSP are contained in Rule 1180-02-.02 (2)(d).)~~
- (5) The Board shall consider that an individual, either certified or uncertified, is violating these limits of practice if his/her conduct includes, but is not limited to, the following:
- (a) Claiming expertise or using techniques or procedures of assessment or treatment for which the practitioner has not completed appropriate academic course work or supervised training experience;
  - (b) Knowingly assigning, permitting or hiring any unqualified person(s) to perform functions of assessment or treatment or delegating the provisions of psychological services to unqualified person(s);
  - (c) Aiding, abetting, assisting, or hiring any individual to violate or circumvent any law or duly promulgated rule intended to guide the conduct of psychological services; or
  - ~~(d) Providing or claiming to provide the services listed in paragraph (4) without supervision by a Psychologist with HSP designation.~~
  - ~~(d) Providing or claiming to provide the services listed in paragraph (4) without supervision by a Psychologist with HSP designation or Senior Psychological Examiner.~~

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201, and 63-11-204 through 63-11-207. **Administrative**

**History:** Original rule filed November 22, 1978; effective January 8, 1979. Repeal and new rule filed June 18, 2002; effective September 1, 2002.

**1180-4-.02 QUALIFICATIONS FOR CERTIFICATION.** In evaluating the academic program and training of an applicant for certification as a Certified Psychological Assistant, the Board shall use the following criteria:

- (1) Educational requirements as a Certified Psychological Assistant must be met programmatically, i.e., as a matriculated in-residence student in a formal graduate training program organized to provide graduate education and training in psychology, and whose stated purpose and design is to educate and train Psychologists, Senior Psychological Examiners, Psychological Examiners, and/or Certified Psychological Assistants.
- (2) The degree-granting institution for applicants for certification as a Certified Psychological Assistant must be regionally accredited at the time of the applicant's graduation. Regional accreditation is defined as accreditation by one of the six regional agencies of the Council on Post Secondary

**1180-4-.03 PROCEDURES FOR CERTIFICATION.** To become certified as a Certified Psychological Assistant in Tennessee, a person must comply with the following procedures and requirements:

- (1) An application packet shall be requested from the Board's administrative office or downloaded from the Department of Health's website.
- (2) An applicant shall respond truthfully and completely to every question or request for information contained in the application form. The completed application form and all fees required by the form and these rules shall be submitted to the Board's administrative office.
- (3) Applications will be accepted throughout the year.
- (4) An applicant shall submit with the application two (2) signed passport type photographs taken within the preceding twelve (12) months.
- (5) An applicant shall submit with the application a certified copy or a notarized photocopy of his/her birth certificate.
- (6) It is the applicant's responsibility to request that the institution(s) of higher education submit the transcript(s) of all graduate course work directly to the Board office. The transcript(s) must show the highest degree(s) earned and must carry the official seal of that institution.
- (7) An applicant for certification as a Certified Psychological Assistant must submit completed worksheets for evaluation of graduate courses indicating the applicant's allocation of course credit to substantive psychology course work and to course work completed in psychological testing and measurement. The applicant must send copies of the course descriptions from the graduate catalog current at the time of his or her enrollment.
- (8) An applicant must submit evidence of good moral character and of not being engaged in unethical practice. Such evidence shall be a minimum of three (3) letters of recommendation in addition to the practicum documentation. It is the applicant's responsibility to request references from individuals who have personal knowledge of, and can attest to, the applicant's education, training and performance at the specific level of licensure for which the applicant is applying. All letters of recommendation must contain a statement specifying that certification as a Certified Psychological Assistant for the applicant is being recommended. All letters shall be current, original letters written specifically for the certification application and mailed directly to the Board by the person providing the information on the signator's letterhead. Such letters are valid for one (1) year from date of receipt. Additional inquiries may be initiated by the Board as it may require.
  - ~~(a) One (1) of the required three (3) letters must be from a Psychologist with HSP designation, or if the endorser is from another jurisdiction, HSP equivalent Psychologist. The other letters may be from Psychologists or licensed Senior Psychological Examiners.~~
  - (a) One (1) of the required three (3) letters must be from a licensed Psychologist with HSP designation, or if the endorser is from another jurisdiction, HSP equivalent licensed Psychologist. The other letters may be from licensed Psychologists or licensed Senior Psychological Examiners.
  - (b) Letter(s) from the practicum supervisor(s) shall be submitted. The letter(s) shall provide specific information about the types of clients and range of services provided as well as the nature of the internship or practicum site. An overall evaluation of the quality of services provided by the trainee must be included.
  - (c) If the applicant has received a Masters Degree in psychology and is a student in good standing in a doctoral degree from an APA approved or CNRHSP/ASPPB designated training program in

(Rule 1180-4-.03, continued)

professional psychology, a letter of recommendation from the Director of Training of that doctoral degree program must be provided.

(Rule 1180-4-.03, continued)

- (9) An applicant shall disclose the circumstances surrounding any of the following:
- (a) Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations.
  - (b) The denial of licensure or certification by any other state or the discipline of licensure or certification by any state.
  - (c) Loss or restriction of licensure or certification.
  - (d) Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.
- (10) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (11) If an applicant holds or has ever held a license or certificate to practice psychology in another state, regardless of the type or level of licensure or certification, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Fitness (verification of license) from the authorizing regulatory agency which indicates the applicant holds or held an active license or certificate and whether it is in good standing presently or was at the time it became inactive.
- (12) When necessary, all required documents shall be translated into English and the translation and original document certified as to authenticity by the issuing source. Both versions must be submitted to the Board's administrative office.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201 and 63-11-207. **Administrative History:** Original rule filed June 18, 2002; effective September 1, 2002. Amendment filed October 18, 2004; effective January 1, 2005. Amendment filed March 17, 2006; effective May 31, 2006. Amendment filed July 27, 2006; effective October 10, 2006.