

Department of Health
Rulemaking Hearing Rules
Board of Examiners in Psychology
Division of Health Related Boards

Chapter 1180-1

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

Amendments

Rule 1180-1-.01, Definitions, is amended by deleting subparagraph (23) (a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (23) (a) shall read:

- (23) (a) Temporary License – A time-limited license issued by the board to an applicant who wishes to practice and has met all other licensure requirements except successful completion of the written examination and/or the ethics and jurisprudence examination.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-206, 63-11-207, 63-11-208, 63-11-209, and 63-11-210.

Rule 1180-1-.03, Fees, is amended by deleting paragraphs (1) (d) and (2) (f) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (1) (d) and (2) (f) shall read:

(1) (d) Ethics and Jurisprudence Examination \$200.00

- (2) (f) Ethics and Jurisprudence Examination Fee – A non-refundable fee to be paid when applying for initial licensure and each time thereafter if an applicant retakes the Board’s Ethics and Jurisprudence Examination.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-206, 63-11-207, 63-11-208, 63-11-209, and 63-11-210.

Rule 1180-1-.05, Renewal of License or Certification, is amended by deleting part (2) (a) 4. in its entirety and substituting instead the following language, so that as amended, the new part (2) (a) 4. shall read:

- (2) (a) 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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-206, 63-11-207, 63-11-208, 63-11-209, 63-11-210, and 63-11-218.

Rule 1180-1-.07, Retirement and Reactivation of License or Certificate, is amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new paragraph (5) shall read:

- (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, 63-11-104, 63-11-206, 63-11-207, 63-11-208, 63-11-209, 63-11-210, and 63-11-218.

Rule 1180-1-.08, Continuing Education, is amended by deleting subparagraph (1) (e) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (1) (e) shall read:

- (1) (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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, and 63-11-218.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 9th day of November, 2005, and will become effective on the 23rd day of January, 2006.

Department of Health
Notice of Stay of Effective Date of Rules
Board of Examiners in Psychology
Division of Health Related Boards

The Board of Examiners in Psychology gives notice that the seventy-five (75) day period for amendments to Rules 1180-1-.01, 1180-1-.03, 1180-1-.05, 1180-1-.07, 1180-2-.03, 1180-2-.04, 1180-2-.05, 1180-2-.06, 1180-3-.03, 1180-3-.04, and 1180-3-.05, filed with the Department of State on the 11th day of November, 2005 to have become effective on the 24th day of January, 2006 is hereby stayed for sixty (60) days. Period of time not to exceed sixty (60) days.

The notice of stay set out herein was properly filed in the Department of State on the 20th day of January, 2006, and will be effective from the date of filing for a period of sixty (60) days. The stay of effective date of rules will remain in effect through the 20th day of March, 2006, unless properly withdrawn by the agency.

Department of Health
Rulemaking Hearing Rules
Board of Examiners in Psychology
Division of Health Related Boards

Chapter 1180-2
Rules Governing Psychologists

Amendments

Rule 1180-2-.03, Procedures for Licensure, is amended by deleting paragraph (12) in its entirety and substituting instead the following language, so that as amended, the new paragraph (12) shall read:

(12) Under no circumstances shall the ethics and jurisprudence examination be waived.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-208, 63-11-209, and 63-11-210.

Rule 1180-2-.04, Examinations, is amended by deleting paragraphs (2), (3) and (4) in their entirety and substituting instead the following language, and is further amended by deleting subparagraph (5) (b) in its entirety and substituting instead the following language, so that as amended, the new paragraphs (2), (3) and (4), and the new subparagraph (5) (b) shall read:

- (2) Ethics and jurisprudence examination. All applicants for licensure must successfully complete the Board's ethics and jurisprudence examination as a prerequisite to licensure.
- (a) The Board shall mail an ethics and jurisprudence examination to all applicants for licensure who have paid the Ethics and Jurisprudence Examination Fee.
 - (b) The applicant shall complete the ethics and jurisprudence examination and return it to the Board's administrative office.
 - (c) The scope and content of the examination shall be determined by the Board but limited to
 - 1. Tennessee Code Annotated, Title 33, Chapter 3, Parts 1 and 2 and Chapter 6, Part 4; and
 - 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 4, Section 403; and

3. Tennessee Code Annotated, Title 63, Chapters 2 and 11; and
 4. Official Compilation, Rules and Regulations of the State of Tennessee, Chapters 1180-1, 1180-2, 1180-3, and 1180-4; and
 5. 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.
- (d) Information on how to acquire copies of the applicable statutes, regulations, and the “Ethical Standards” is available upon request from the Board’s administrative office.
 - (e) The format of the examination shall be “open-book.”
 - (f) Correctly answering ninety percent (90%) of the examination questions shall constitute successful completion of the ethics and jurisprudence exam.
- (3) The Board may delay a decision on eligibility to take the written examination(s) and/or the ethics and jurisprudence examination for any candidate for whom the Board has requested additional information.
 - (4) The Board shall schedule a meeting within ninety (90) days following the completion of all examinations at which time the Board will consider completed applications and examination results for the purpose of licensure.
 - (5) (b) If the Board determines that the applicant has failed to successfully complete the ethics and jurisprudence examination, the applicant will be mailed another examination and he/she must continue to retake the examination until it has been successfully completed before the application will be deemed complete and presented to the Board for consideration.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-206, 63-11-208, 63-11-209, and 63-11-210.

Rule 1180-2-.05, Temporary License, is amended by deleting parts (2) (b) 3. and (2) (b) 4. in their entirety and substituting instead the following language, and is further amended by deleting subparagraph (3) (d) in its entirety and substituting instead the following language, so that as amended, the new parts (2) (b) 3. and (2)(b) 4., and the new subparagraph (3) (d) shall read:

- (2) (b) 3. Failure of the second (2nd) ethics and jurisprudence examination.

(2) (b) 4. Expiration of the twelve (12) month period established by law.

(3) (d) The temporary license becomes invalid upon failure of the second (2nd) ethics and jurisprudence examination.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-206, 63-11-208, 63-11-209, 63-11-210, and 63-11-211.

Rule 1180-2-.06, Provisional License, is amended by deleting subparagraph (4) (b) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) (b) shall read:

(4) (b) The second (2nd) failure of the ethics and jurisprudence exam after the issuance of the provisional license.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-206, 63-11-208, 63-11-209, 63-11-210, and 63-11-211.

Rule 1180-2-.07, Repealed, is amended by deleting the catchline in its in its entirety and substituting instead the following language, and is further amended by adding the following language as new paragraphs (1), (2) and (3), so that as amended, the new catchline and the paragraphs (1), (2) and (3) shall read:

1180-2-.07 Free Health Clinic and Volunteer Practice Requirements.

(1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201

(a) Any psychologist licensed to practice psychology in this state or any other state who has not been disciplined by any psychology licensure board may have their license converted to or receive a Tennessee “Special Volunteer License,” as defined in T.C.A. § 63-1-201, which will entitle the licensee to practice without remuneration solely within a “free health clinic,” as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:

1. Obtaining from the Board’s administrative office a “Special Volunteer License” application, completing it and submitting it along with any required documentation to the Board’s administrative office; and
2. Have the licensing authority of every state in which the psychologist holds or ever held a license to practice psychology submit directly to the Board’s administrative office the equivalent of a “certificate of fitness” as described in T.C.A. § 63-1-118 which shows that the

license has never been subjected to any disciplinary action and is free and clear of all encumbrances; and

3. For psychologists who have not been licensed in Tennessee, comply with all provisions of paragraphs (4), (6), (7), and (8) of rule 1180-2-.03 and the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and
4. Submitting the specific location of the site or setting of the free health clinic in which the licensee intends to practice along with proof of the clinic's private, and not-for-profit status.

(b) A psychologist holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board's biennial birthdate renewal system

(c) A psychologist holding a Special Volunteer License may not do any of the following:

1. Practice psychology anywhere other than in the free health clinic site or setting specified in the application; and
2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of psychological or any other services; and
3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.

(d) Special Volunteer Licenses are subject to all of the following

1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rules 1180-1-.05 and .07, except those requiring the payment of any fees; and
2. The rules governing continuing education as provided by rule 1180-1-.08; and

3. Disciplinary action for the same causes and pursuant to the same procedures as all other licenses issued by the Board.
- (2) Practice Pursuant to the “Volunteer Health Care Services Act” T.C.A. §§ 63-6-701, et seq.
 - (a) Any psychologist licensed in this or any other state, territory, district or possession of the United States whose license is not under a disciplinary order of suspension or revocation may practice psychology in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (b) Any person who may lawfully practice psychology in this or any other state, territory, district or possession of the United States under an exemption from licensure and who is not under a disciplinary order of suspension or revocation and who is not and will not “regularly practice,” as defined by T.C.A. § 63-6-703 (3) may practice psychology in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (c) A psychologist or anyone who practices under an exemption from licensure pursuant to this rule may not charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of psychological or any other services; and may not practice for any organization that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
 - (d) Any organization that organizes or arranges for the voluntary provision of health care services on residents of Tennessee may utilize persons described in subparagraphs (a) and (b) to practice psychology only when it has complied with the provisions of T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (3) Application review and licensure decisions for these types of licensure or organization registration shall be governed by rule 1180-1-.04.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-201, 63-11-104, 63-11-201, 63-11-203, 63-11-208, 63-11-211, 63-11-225, and 63-6-701 through 707.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 9th day of November, 2005, and will become effective on the 23rd day of January, 2006.

Department of Health
Notice of Stay of Effective Date of Rules
Board of Examiners in Psychology
Division of Health Related Boards

The Board of Examiners in Psychology gives notice that the seventy-five (75) day period for amendments to Rules 1180-1-.01, 1180-1-.03, 1180-1-.05, 1180-1-.07, 1180-2-.03, 1180-2-.04, 1180-2-.05, 1180-2-.06, 1180-3-.03, 1180-3-.04, and 1180-3-.05, filed with the Department of State on the 11th day of November, 2005 to have become effective on the 24th day of January, 2006 is hereby stayed for sixty (60) days. Period of time not to exceed sixty (60) days.

The notice of stay set out herein was properly filed in the Department of State on the 20th day of January, 2006, and will be effective from the date of filing for a period of sixty (60) days. The stay of effective date of rules will remain in effect through the 20th day of March, 2006, unless properly withdrawn by the agency.

Department of Health
Rulemaking Hearing Rules
Board of Examiners in Psychology
Division of Health Related Boards

Chapter 1180-3
Rules Governing Psychological Examiners and Senior Psychological Examiners

Amendments

Rule 1180-3-.03, Procedures for Licensure, is amended by deleting subparagraph (1) (1) in its entirety, and is further amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

(4) Under no circumstances shall the ethics and jurisprudence examination be waived.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-207, 63-11-209, and 63-11-210.

Rule 1180-3-.04, Examinations, is amended by deleting paragraphs (2), (3) and (4) in their entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (5) (b), so that as amended, the new paragraphs (2), (3) and (4), and the new subparagraph (5) (b) shall read:

- (2) Ethics and jurisprudence examination. All applicants for licensure must successfully complete the Board's ethics and jurisprudence examination as a prerequisite to licensure.
- (a) The Board shall mail an ethics and jurisprudence examination to all applicants for licensure who have paid the Ethics and Jurisprudence Examination Fee and who have passed the EPPP.
 - (b) The applicant shall complete the ethics and jurisprudence examination and return it to the Board's administrative office.
 - (c) The scope and content of the examination shall be determined by the Board but limited 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.
 - (d) Copies of the applicable statutes, regulations, and information on how to acquire the “Ethical Standards” are available upon request from the Board’s administrative office.
 - (e) The format of the examination shall be “open-book.”
 - (f) Correctly answering ninety percent (90%) of the examination questions shall constitute successful completion of the ethics and jurisprudence exam.
- (3) The Board may delay a decision on eligibility to take the written examination(s) and/or the ethics and jurisprudence examination for any candidate for whom the Board has requested additional information.
- (4) The Board shall schedule a meeting within ninety (90) days following the completion of all examinations at which time the Board will consider completed applications and examination results for the purpose of licensure.
- (5) (b) If the Board determines that the applicant has failed to successfully complete the ethics and jurisprudence examination, the applicant will be mailed another examination and he/she must continue to retake the examination until it has been successfully completed before the application will be deemed complete and presented to the Board for consideration.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-206, 63-11-207, 63-11-209, and 63-11-210.

Rule 1180-3-.05, Temporary License, is amended by deleting part (2) (b) 3. in its entirety and substituting instead the following language, so that as amended, the new part (2) (b) 3. shall read:

- (2) (b) 3. Failure of the second (2nd) ethics and jurisprudence examination.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-11-104, 63-11-206, 63-11-207, 63-11-209, 63-11-210, and 63-11-211.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 9th day of November, 2005, and will become effective on the 23rd day of January, 2006.

Department of Health
Notice of Stay of Effective Date of Rules
Board of Examiners in Psychology
Division of Health Related Boards

The Board of Examiners in Psychology gives notice that the seventy-five (75) day period for amendments to Rules 1180-1-.01, 1180-1-.03, 1180-1-.05, 1180-1-.07, 1180-2-.03, 1180-2-.04, 1180-2-.05, 1180-2-.06, 1180-3-.03, 1180-3-.04, and 1180-3-.05, filed with the Department of State on the 11th day of November, 2005 to have become effective on the 24th day of January, 2006 is hereby stayed for sixty (60) days. Period of time not to exceed sixty (60) days.

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