

Professional Ethics and Law for Psychologists & Psychological Examiners

State of Tennessee Laws &
Regulations Governing the Practice of
Psychology and Code of Conduct

Learning Objectives

- Participants will learn detailed information regarding continuing education rules and regulations.
- Participants will learn information regarding scope of practice in the practice of psychology.
- (Meet 3 hour ethics training requirement)

The Presenter

- **Mark W. Sigler, Ph.D., NCSP**
- Licensed Senior Psychological Examiner
- *Health Service Provider*
- Licensed Professional Counselor
- *Mental Health Service Provider*
- School Psychologist
- *Licensed Professional School Service Personnel*



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CMA Fest 2011



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Board of Examiners

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- **Sherry Owens**
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Continuing Education

- **Board of Examiners in Psychology**
- 40 hours in the 2 calendar years prior to renewing license:
- Type I: 9 hours of APA approved training
- Type II: Training by a psychological organization or university with a graduate psychology program
- 18 hours of Type I / Type II training

Continuing Education

- Type III: (22 hours may be Type I, II, or III)
- 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.

Continuing Education

- 1. Meetings - Registration and attendance at meetings of recognized professional psychology organizations (local, state, regional, national or international).
- 2. Teaching and presentations.
- 3. Publications
- 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.

Continuing Education

- 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. No longer applicable!*
- Multi-Media courses:

Continuing Education

- 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

Continuing Education

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

Continuing Education

- Current changes under consideration by the Board, as discussed in the June & September Board minutes, include: Adding a cultural diversity requirement; limiting the number of online CE's that are acceptable, and requiring them to be Type I; expanding the ways one may meet the Jurisprudence requirement; and providing an excel spreadsheet to keep track of hours in a summary form, and requiring it's use upon audit.
- Currently, licensees are having some difficulty finding training events which cover both APA Ethics and TN Jurisprudence. The Board is trying to address this problem by setting up rules that would allow attending a traditional APA Ethics workshop (e.g., one provided at an APA conference), and then reading the pertinent code and rules/regulations, and discussing them with colleagues. The current rules allow for a discussion of APA ethics and TN Jurisprudence in a peer group meeting (for at least 3 hours) claiming Type III credit.

Continuing Education

- Until such time as rule changes are enacted, the current rules and regulations regarding continuing education must be followed. The current rules require that you provide a summary of continuing education activities upon being audited. The excel spreadsheet is intended to provide a standard form for that summary. If I understand correctly, that spreadsheet is being sent out to licensees with audit letters. It is the Board's intention to have the spreadsheet posted on our website when it can be arranged.
- You must keep independent proof (e.g., a certificate) of all continuing education activities being claimed. If you are claiming Type I hours, APA approval of the activity must be documented. For Type II the documentation must meet those standards (e.g., provided by a psychological organization, etc.). Type III documentation may be more varied, for example minutes from a peer group meeting.

Continuing Education

- **2009 Audit Results**
- 33 psychologists audited
- 25 (76%) compliant
- 8 (24%) non-compliant
- 20 senior PEs and psychological examiners audited
- 17 (85%) compliant
- 3 (15%) non-compliant
- **The continuing education audit from January 2010 through December 2010.**
- Ninety-one (91) psychologists were audited; eighty-one (81) were compliant.
- Forty-two (42) psychological examiners were audited; twenty-five (25) were compliant.

Continuing Education

- Non-compliant practitioners are subject to board discipline which includes a fine of \$100 and make up the delinquent hours. The action taken against the practitioner is reportable on the Department of Health website on the monthly disciplinary action report.

Scope of Practice

- **Number of Licensed Psychologists, Sr.PE/Psychological Examiners and Certified Psychological Assistants**
- Psychologists 1326
- Sr.PEs/Psychological Examiners - 520
- Certified Psychological Assistants - 21
- (June 2011)

Scope of Practice

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

Scope of Practice

- 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.

Scope of Practice

- Certified Psychological Assistants, who have had appropriate education, training and supervised practical 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 or a Senior Psychological Examiner.

Scope of Practice

- **TCA 63-11-202.**
- A person practices as a “psychological examiner” within the meaning of this chapter when the person claims to be a psychological examiner and/or renders to individuals or to the public health-related clinical activities or services involving the application of recognized principles, methods and procedures of the science and profession of psychology, such as 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 selection, guidance or placement. The psychological examiner shall practice the following health-related clinical activities or services only under qualified supervision: overall personality appraisal or classification, personality counseling, psychotherapy, behavior analysis or personality readjustment techniques.

Scope of Practice

- A person practices as a senior psychological examiner within the meaning of this chapter when the person claims to be a senior psychological examiner and/or renders 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. A senior psychological examiner, while possessing a different scope of practice than a psychologist, shall be considered a health service provider and thereby able to engage in these designated areas of health-related psychological practice without supervision:

Scope of Practice

- **(1) 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 selection guidance or placement;**
 - (2) Overall personality appraisal or classification, psychological testing, projective testing, evaluations for disability or vocational purposes;**
 - (3) Diagnosis of nervous and mental disorders;**
 - (4) Personality counseling;**
 - (5) Psychotherapy;**
 - (6) Behavior analysis;**
 - (7) Personality readjustment techniques; or**
 - (8) Supervision of a psychological examiner.**
- (The new law that allows senior psychological examiners to supervise certified psychological assistants is currently under review by the AG's office.)

Scope of Practice

- Tenn Code Ann. §63-11-206(c)(2) is amended to allow a certified psychological assistant to 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 under the direct employment and supervision of either the psychologist or senior psychological examiner employing the certified psychological assistant.
- Tenn Code Ann. §63-11-206(c)(2) is further amended to require that any and all work performed by a certified psychological assistant is supervised by a psychologist or senior psychological examiner as determined by the board. The Public Chapter became effective April 1, 2010.

Scope of Practice

- SECTION 1. Tennessee Code Annotated 63-11-202(a), is amended by adding the language “provided by a psychologist or a senior psychological examiner” after the language “qualified supervision”.
- SECTION 2. Tennessee Code Annotated, Section 63-11-202, is amended in the last sentence of subsection (c) by deleting the language "behavior analysis or personality readjustment techniques." and by substituting instead the language "behavior analysis, personality readjustment techniques or supervision of a psychological examiner."
- SECTION 3. Tennessee Code Annotated 63-11-206(c), is amended in subdivision (2) by adding the language “or senior psychological examiner” after the language “either the psychologist” and before the language “employing the certified psychological assistant.”
- SECTION 4. Tennessee Code Annotated 63-11-206(c), is further amended in subdivision (2) by adding the language “or senior psychological examiner” after the language “supervised by a psychologist” and before the language “as determined by the board.”
- **PASSED: April 1, 2010**

Scope of Practice

- **TCA 63-11-203**
- **Practice of psychologist” means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. Practice of psychologist includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling,**

Scope of Practice

- **psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; psychological diagnosis and treatment of mental, emotional and nervous disorders or disabilities, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; case management and utilization review of psychological services; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. “Practice of psychologist” is construed within the meaning of this definition without regard to whether payment is received for services rendered.**

Scope of Practice

- **b)** A person represents that person to be a psychologist if that person uses any title or description of services incorporating the words “psychology,” “psychological,” or “psychologist,” or if such person possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this chapter.

Scope of Practice

- **63-11-205. Use of identifying terms.**
- **(2)** Persons licensed by the state board of education in areas of school psychology, school psychologist or school psychological services worker and employed as such in the department of education or in any public or nonpublic elementary or secondary school are not required to be licensed under this chapter while performing in the course of their employment. Nothing in this chapter shall be construed so as to apply to persons licensed by the state board of education in areas of school psychology, school psychologist or school psychological services worker who are employed as such in the department of education or in any public or nonpublic elementary or secondary school while performing in the course of their employment.

Scope of Practice

- **b)** Nothing in this section shall be construed as permitting such persons to offer their services to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries unless they have been licensed or certified under this chapter.

APA Model Practice Act

- The prior version of this Model Act included an exemption for the use of the terms school psychologist or certified school psychologist for all individuals credentialed by the state agency regulating practice in public schools. This version acknowledges the authority of the relevant state education agency to credential individuals to provide school psychological services in settings under their purview and continues to restrict those individuals to practice within those settings. Additionally, the title so conferred, which must include the word “school”, is to be used solely while engaged in employment within those settings.

APA Model Practice Act

- *Nothing in this Act shall be construed to prevent (cite relevant state education authority or statutory provisions) from credentialing individuals to provide school psychological services in those settings that are under the purview of the state education agency. Such individuals shall be restricted in their practice and the use of the title so conferred, which must include the word "school", to employment within those settings.*

ASPPB MODEL ACT FOR LICENSURE and REGISTRATION OF PSYCHOLOGISTS

- **F. MASTER'S LICENSURE**
- *IT IS RECOGNIZED THAT SOME JURISDICTIONS LICENSE INDIVIDUALS TO PRACTICE WITH A MASTER'S DEGREE IN PSYCHOLOGY, AND THAT SUCH PRACTICE MAY BE WITH OR WITHOUT SUPERVISION, DEPENDING ON THE JURISDICTION. FOR THOSE JURISDICTIONS, THE FOLLOWING LANGUAGE FOR MASTER'S LEVEL LICENSURE IS RECOMMENDED:*
- SUBJECT TO VI F (1) AND F(2), NOTHING IN THIS ACT PROHIBITS THE BOARD FROM LICENSING INDIVIDUALS FOR THE PRACTICE OF PSYCHOLOGY WHO HAVE A MASTER'S DEGREE IN PSYCHOLOGY ACCEPTABLE TO THE BOARD AND WHO HAVE MET ANY ADDITIONAL REQUIREMENTS AS SPECIFIED IN THE REGULATIONS.

ASPPB MODEL ACT FOR LICENSURE and REGISTRATION OF PSYCHOLOGISTS

- **D. SCHOOL PSYCHOLOGISTS:** NOTHING IN THIS ACT SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF THE (STATE OR
- PROVINCIAL) AGENCY OR DEPARTMENT RESPONSIBLE FOR REGULATING PUBLIC EDUCATION TO CREDENTIAL INDIVIDUALS TO PROVIDE PSYCHOLOGICAL SERVICES AS LONG AS INDIVIDUALS SO CREDENTIALLED ARE LIMITED TO PRACTICE WITHIN SETTINGS UNDER THE AUTHORITY AND PURVIEW OF THE (STATE OR PROVINCIAL) EDUCATION AGENCY. SUCH INDIVIDUALS MAY USE THE TITLE “SCHOOL PSYCHOLOGIST” OR ANOTHER TITLE INCLUDING THE TERM PSYCHOLOGY OR PSYCHOLOGICAL (E.G., SCHOOL PSYCHOLOGY SPECIALIST) BUT MAY NOT USE THE TITLE “PSYCHOLOGICAL ASSOCIATE” OR “LICENSED PSYCHOLOGIST” OR ANY OTHER EQUIVALENT TERM AS DEFINED IN III- M AND III – T OF THIS ACT. INDIVIDUALS SO CREDENTIALLED MAY ONLY PROVIDE PSYCHOLOGICAL SERVICES AS DEFINED IN THIS ACT IN SETTINGS UNDER THE AUTHORITY AND PURVIEW OF THE (STATE OR PROVINCIAL) EDUCATION AGENCY AND ONLY AS EMPLOYEES OF SUCH SETTINGS AND NOT AS INDEPENDENT CONTRACTORS TO SUCH SETTINGS.

Ethical Decision Making

- A male therapist was treating a female who had been diagnosed with Borderline Personality Disorder and had a history of suicidal gestures. She had already sexually propositioned the therapist several times when he told her he was going on vacation for two weeks to England. She refused his offer of contact with a colleague while he would be away, so he gave her his cell phone number.

Ethical Decision Making

- She called him 30 times during his two week vacation. After he returned, she began calling his home number and cell number in the evening while he was at home, often several times a day. After six months of this, he consulted another therapist who was a former supervisor. He was advised to terminate therapy.

Ethical Decision Making

- After struggling with the decision to terminate for a couple of weeks, he told the client that he had decided to terminate treatment with her, and he referred her to another therapist. She went home and committed suicide. The family sued the therapist for malpractice and won. Why?

SUD

- Seeming Unimportant Decisions
- Omission/Commission
- I decided to omit a seeming unimportant piece of information from **The Presenter** section of this presentation:
- I am a a Licensed Insurance Agent
- Insurance Producer for Life and Accident & Health

SUD

- If a client did not have health insurance coverage which would reimburse for my clinical services, I could sell him a policy which would cover his treatment!
- Ethical or Unethical?
- Why?

SUD

- If a client did not have health insurance coverage which would reimburse for my clinical services, I could sell him a policy which would cover his treatment!
- Ethical or Unethical?
- Why?
- What is the conflict of interest?

Confidentiality

- You are the Psychologist for a residential treatment program for adolescent males. A serious incident has occurred in which an adolescent physically assaulted a female staff member, giving her a black eye. She filed Assault charges against the resident.

Confidentiality

- When facility staff are getting ready to transport the resident to court, he insists that he wants to take along another resident to testify on his behalf. The staff member who filed the charges has subpoenaed a recently discharged resident who volunteered to testify for her, but the accused resident's court appointed attorney has not subpoenaed anyone.

Confidentiality

- Should the other resident be allowed to go to court to testify?
- What are the confidentiality issues?
- Is age of consent a factor in the decision?



Mark Wayne Sigler, Ph.D., NCSP

Senior Psychological Examiner

Professional Counselor

School Psychologist

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Board Certified Clinical Psychotherapist

Nationally Certified in School and Clinical Psychology

Professional School Service Personnel License

Mental Health Service Provider License

Health Service Provider License

Phone: 931-796-4868

Fax: 931-796-1152

Legislative Update For Members:

Summary of This Year's Session

May 19, 2011

- **Tennessee Psychological Association**

C. Keith Hulse, Ph.D.
Director of State Legislative Affairs
Tennessee Psychological Association
For the Board of Directors

"Who's a real doctor" legislation, 2011 edition. TMA, in their endless inventiveness, this year proposed that all healthcare providers be mandated to wear photo ID's. **Senator Bo Watson** (R) of Chattanooga was the bill's sponsor. This bill has already been passed in several other states, and is aimed most directly at nurse practitioners. I am sorry to report that we were unable to kill this bill completely because, very surprisingly, we were unable to get ANY other professional groups to get on board with us to oppose it (!). We were able to moderate the language some, so that there are several ways to meet the new bill's requirement. The bill, which goes into effect on 1/1/12, requires that all practitioners either: 1. wear a photo ID which includes their full name and their licensure, or 2. provide this information in writing to all new patients. On websites, practitioners must also be identified by full name and licensure.

Who's a real Doctor?

- **Public Chapter 75-** Provides that each licensed psychologist shall conspicuously display an original or a copy of his/her license or certification displayed in the office or place of practice and shall conspicuously display a sign in intelligible lettering and not less than one inch (1") in height, containing the name of such licensee immediately followed by the recognized abbreviation indicating the professional degree, if any held by such licensee, and containing immediately below the licensee's name, in equal size lettering, the following words: "Psychologist" or "doctor of psychology" for practitioners of psychology. A licensee may substitute a specialist designation for these words for any specialized field that is recognized or approved by the appropriate board licensing that profession. The licensee shall also affirmatively communicate the licensee's specific licensure through one (1) of the following methods: (1) licensee shall wear a photo identification name tag during all patient encounters that contains a recent photograph of the licensee with the licensee's full name and license type; or (2) licensee shall communicate to a patient the licensee's full name and license type in writing at the patient's initial office visit after January 1, 2012. In communicating the license type, the licensee shall use one of more of these words: "Psychologist" or "doctor of psychology" for practitioners of psychology.

Who's a real Doctor?

- **Public Chapter 75-** All licensees are required to comply with these requirements at each practice setting. These requirements do not apply to licensees working in licensed health care facilities or to licensees who are not working in patient care settings who have no direct patient care interactions. A licensee who provides information regarding healthcare services on the internet that is directly controlled or administered by the licensee or licensee's agent, shall prominently display on the internet the licensee's full name and type of license using one (1) or more of the following words: "Psychologist" or "doctor of psychology" for practitioners of psychology. A licensee who violates the provisions of this law may be subject to disciplinary action by the Board of Examiners in Psychology. The provisions of this law shall become effective January 1, 2012.
- (It was the opinion of the BOE legal consultant that this law applies to Psychological Examiners, Senior Psychological Examiners, and Certified Psychological Assistants.)

Psychology Board Action

- **In a recent disciplinary case that came before the Board of Examiners in Psychology, the following requirements were required of a licensee:**
- **Obtain clinical supervision for a specified period of time;**
- **Take a specified number of training hours on Ethics and Jurisprudence beyond the 3 required; and**
- **Join a professional psychological organization.**

Summary

- **With education and repetition we can retrain our instincts**
- Continuing education on ethics and jurisprudence
- Professional Consultation/Supervision
- Professional Membership/Affiliation
- Risk awareness and decision making skills