

CHAPTER 286
FORMERLY
HOUSE BILL NO. 322
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE DELAWARE BOARD OF EXAMINERS OF PSYCHOLOGISTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 24, § 3509 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows:

§ 3509 Qualifications of applicants for registration as a psychological assistant; number of psychological assistants; requirements of supervision.

(a) Any psychologist licensed in this State, who has practiced as a licensed psychologist for 2 years in this State or in any other jurisdiction, and who applies to the Board for the registration of a psychological assistant shall:

(1) Provide the Board with a statement which clearly shall delineate the specific functions which the psychological assistant will perform under the supervisor's direct supervision and control; and

(2) Submit evidence, verified by oath and satisfactory to the Board, that such person:

a. Has completed all requirements for a doctoral degree in psychology from an American Psychological Association (APA) accredited program, or a Psychological Clinical Science Accreditation System (PCSAS) accredited program, or an equivalent program approved by the Board. Psychological assistants registered before July 17, 2010, and who maintain their registration are exempt from this requirement. Persons holding degrees from programs outside the United States or its territories must provide evidence of training and degree equivalent to accredited programs; and these applicants are responsible for providing the Board with an educational credential evaluation from an agency or institution recognized by the Board for this purpose; and

b. ~~Has completed, as part of the applicant's program of studies, an internship, externship or practica of 450 hours supervised by a licensed psychologist;~~ Has successfully completed a predoctoral internship which complies with the Board's rules and regulations; and

Section 2. Amend Title 24, § 3514 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows and redesignating accordingly:

§ 3514 Grounds for refusal, revocation or suspension of licenses and registrations.

(a) A practitioner licensed or registered under this chapter shall be subject to disciplinary actions set forth in § 3516 of this title, if, after a hearing, the Board finds that the psychologist or psychological assistant:

(1) Has employed or knowingly cooperated in fraud or material deception in order to acquire a license as a psychologist or registration as a psychological assistant; has impersonated another person holding a license or registration, or allowed another person to use the psychologist or psychological assistant license or registration, or aided or abetted a person not licensed as a psychologist or registered as a psychological assistant to represent that person as a psychologist or psychological assistant;

(2) Has been convicted of a crime that is substantially related to the practice of psychology or a crime involving the violation of a patient's trust; a copy of the record of conviction certified by the clerk of the court entering the conviction shall be conclusive evidence therefor; however, after a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph (a)(2), if it finds all of the following:

a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.

b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a

suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.

c. The applicant is capable of practicing psychology in a competent and professional manner.

d. The granting of the waiver will not endanger the public health, safety or welfare.

e. The applicant has not been convicted of a felony sexual offense.

f. The applicant has ~~not~~ submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain the following:

1. A report of the applicant's entire criminal history record from the State Bureau of Identification or a statement from the State Bureau of Identification that the State Central Repository contains no such information relating to that person.

2. A report of the applicant's entire federal criminal history record pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification shall be the intermediary for purposes of this section and the Board shall be the screening point for the receipt of said federal criminal history records.

An applicant may not be licensed until the applicant's criminal history reports have been produced. An applicant whose record shows a prior criminal conviction may not be licensed by the Board unless a waiver is granted pursuant to this chapter. The State Bureau of Identification may release any subsequent criminal history to the Board.

(3) Has excessively used or abused drugs (including alcohol, narcotics or chemicals);

(4) Has engaged in an act of consumer fraud or deception; engaged in the restraint of competition; or participated in price-fixing activities;

(5) Has not conducted the practitioner's professional activities in conformity with the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association (APA) (hereinafter referred to as the "Ethics Code"); and in conformity with the rules and regulations adopted by the Board to implement the Ethics Code;

(6) Has violated a lawful provision of this chapter, or any lawful regulation established thereunder;

Section 3. Amend Title 24, § 3516 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows:

§ 3516 Disciplinary sanctions.

(a) The Board may impose any of the following sanctions, singly or in combination, when it finds that one of the conditions or violations set forth in § 3514 of this title applies to a practitioner regulated by this chapter:

(1) Issue a letter of reprimand.

(2) Censure a practitioner.

(3) Place a practitioner on probationary status, and require the practitioner to:

a. Report regularly to the Board upon the matters which are the basis of the probation;

b. Limit all practice and professional activities to those areas prescribed by the Board.

(4) Suspend any practitioner's license.

(5) Revoke any practitioner's license.

(6) Impose a monetary penalty not to exceed \$500 for each violation ~~in addition to suspension or revocation of a license.~~

Approved June 28, 2016