

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

SUBCHAPTER 54 – NORTH CAROLINA PSYCHOLOGY BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Psychology Board intends to amend the rule cited as 21 NCAC 54 .2001.

Proposed Effective Date: February 1, 2011

Public Hearing:

Date: December 2, 2010

Time: 9:00 a.m.

Location: Comfort Suites, 7619 Thorndike Road, Greensboro, NC 27409

Reason for Proposed Action: To require supervisors to obtain three hours of training in licensing act and rules concerning supervision. The Board believes that this change is important because of the abundance of supervision rules infractions in recent years. Often, psychologists have appeared not to comply with supervision requirements because of ignorance of the law. The Board intends to reduce this problem by instituting the supervision training requirement.

Procedure by which a person can object to the agency on a proposed rule: Objections to this Rule may be submitted, in writing, to Rebecca Osborne, Communication Specialist, NC Psychology Board, 895 State Farm Road, Suite 101, Boone, NC 28607; email to Rebecca@ncpsychologyboard.org; fax to Rebecca Osborne at (828) 265-8611; or at the public hearing. Persons wishing to make oral presentations at the hearing are requested to notify Ms. Osborne of such no later than 5:00 p.m. on November 29, 2010.

Comments may be submitted to: Rebecca Osborne, NC Psychology Board, 895 State Farm Road, Suite 101, Boone, NC 28607; fax (828) 265-8611; email rebecca@ncpsychologyboard.org

Comment period ends: December 2, 2010

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- State
Local
Substantial Economic Impact (>=\$3,000,000)
None

SECTION .2000 - SUPERVISION

21 NCAC 54 .2001 SUPERVISOR

(a) Except as provided in Paragraph (b) of this Rule, the following individuals shall be recognized as appropriate contract supervisors for individuals requiring supervision to practice psychology:

- (1) a licensed psychologist, permanent;
(2) any person who was in a psychology position with the State of North Carolina on December 31, 1979, and who is still so employed, provided that such supervision is, and was on December 31, 1979, within the psychologist's regular job description and is only for activities which are part of the regular duties and responsibilities of the supervisee within his or her regular position at a State agency or department;
(3) a doctoral level licensed psychologist who is licensed in the jurisdiction where the supervisee is practicing psychology; or
(4) a licensed psychological associate as provided for in Rule .2005 in this Section.

(b) The Board may disapprove an otherwise qualified supervisor for the following reasons:

- (1) evidence that the supervisor is not competent or qualified to supervise the supervisee;
(2) evidence that the supervisor has failed to adhere to legal or ethical standards;
(3) evidence that there is a lack of congruence between the supervisor's training, experience, and area of practice and the supervisee's proposed area(s) of practice; or
(4) evidence that the supervisor has a license against which disciplinary or remedial action has been taken; taken; or
(5) evidence that the supervisor has not completed the training described, and within the time frame set, in Paragraph (c) of this Rule.

(c) A licensee who engages in the supervision of an applicant for licensure, a Licensed Psychological Associate, or a Licensed Psychologist-Provisional must complete a three-hour training session, the content of which shall be determined and approved by the Board, which meets the following requirements:

- (1) is sponsored or co-sponsored by an entity designated and approved by the Board;
- (2) is presented by an individual or individuals designated and approved by the Board; and
- (3) addresses how to properly supervise in accordance with Board rules regarding supervision requirements.

The sponsor or co-sponsor of a training session shall submit a list of attendees who complete the three-hour training session to the Board no later than 30 days following the training session. The training shall be completed, and documentation of completion received in the Board's office, no later than February 1, 2012. If the training is not completed by February 1, 2012, a licensee shall not enter into a supervision contract with an applicant, a Licensed Psychological Associate, or a Licensed Psychologist-Provisional until he or she completes the training and the Board receives documentation of such. In the discretion of the Board, the training may be required to be repeated by a licensee in any case in which there is evidence of problems in the licensee's competence to supervise or adherence to supervision requirements. A licensee who successfully completes the training shall be permitted to count the hours toward the minimum continuing education hours required in 21 NCAC 54 .2104.

(d) Each supervisor shall:

- (1) carefully assess his or her ~~own~~ ability to meet the supervisory needs of supervisees and potential supervisees;
- (2) offer and provide supervision only within the supervisor's own area(s) of competence and assure that the professional expertise and experience of the supervisor shall be congruent with the practice of the supervisee;
- (3) enter into a written agreement with the supervisee on a Board adopted supervision contract form which details the supervisee's obligations as well as the supervisor's responsibilities to the supervisee;
- (4) direct the supervisee to practice psychology only within areas for which he or she shall be qualified by education, training, or supervised experience;
- (5) establish and maintain a level of supervisory contact consistent with ~~established professional standards that described in the~~ supervision contract form on file with the Board and be accessible to the supervisee;
- (6) direct the supervisee to keep the supervisor informed of services performed by the supervisee;
- (7) advise the Board if the supervisor has reason to believe that the supervisee is practicing in a manner which indicates that ethical or legal violations have been committed;
- (8) maintain a clear and accurate record of supervision with a supervisee which documents the following:
 - (A) dates and appointment times of each supervision session, including the length of time of each session;
 - (B) summary content of each session including treatment issues addressed, concerns identified by the supervisor and supervisee, recommendations of the supervisor, and intended outcome for recommendations of the supervisor; and
 - (C) fees charged, if any, to the supervisee for ~~supervision;~~ supervision.

~~(9)~~(10) report on the required form to the Board that agreed upon supervision has occurred; and

~~(10)~~(11) file a final supervision report within two weeks of termination of supervision.

(e) To maintain the professional nature of the supervision, a familial or strongly personal relationship shall not exist between the supervisor and supervisee, except in extraordinary circumstances, such as the lack of availability of any other qualified supervisor. In such cases, the Board shall require documentation that no other supervision is available and reference letters from colleagues commenting on the appropriateness of the proposed supervisory relationship.

Authority G.S. 90-270.5; 90-270.9.