

# Maine Revised Statute Title 32, Chapter 56: PSYCHOLOGISTS

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## Subchapter 1: GENERAL PROVISIONS

### 32 §3811. DEFINITION OF PRACTICE OF PSYCHOLOGY

Two levels of psychological practice are defined for the purpose of this chapter. Such levels shall be known and referred to as "psychological examiner" and "psychologist". [1967, c. 544, §82 (NEW).]

**1. Psychological examiner.** A person practices as a "psychological examiner" within the meaning of this chapter when he holds himself out to be a psychological examiner, or renders to individuals or to the public for remuneration services involving the application of recognized principles, methods and procedures of the science and profession of psychology, but limited to 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. A psychological examiner may provide intervention, such as consultation, behavior management or social skills training under the supervision of a licensed psychologist or as otherwise provided in law or rules issued in accordance with this chapter. A psychological examiner may not provide psychotherapy services under any circumstances. The State Board of Examiners of Psychologists shall establish rules for supervision of psychological examiners for intervention services.

[ 1985, c. 481, Pt. A, §55 (AMD) .]

**2. Psychologist.** A person practices as a "psychologist" within the meaning of this chapter when he holds himself out to be a psychologist, 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. Services which may be provided by psychologists include diagnosing, assessing and treating mental, emotional and psychological illness, disorders, problems and concerns and evaluation and treatment of vocational, social, educational, behavioral, intellectual and learning and cognitive disorders. These functions are performed through recognized psychological techniques such as, but not limited to, psychological testing, psychological interviews, psychological assessments, psychotherapy, personality counseling, behavior modification, cognitive therapies, learning therapies, biofeedback, hypnotherapy and psychological consultation to individuals and organizations.

[ 1985, c. 481, Pt. A, §55 (AMD) .]

**3. Limitation.** Nothing in this chapter shall be construed as permitting the practice of medicine as defined in section 3270 by psychological examiners or psychologists.

[ 1977, c. 564, §124 (AMD) .]

#### SECTION HISTORY

1967, c. 544, §82 (NEW). 1977, c. 564, §124 (AMD). 1985, c. 481, §A55 (AMD).

### 32 §3811-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 402, Pt. Q, §1 (NEW).]

**1. Board.** "Board" means the State Board of Examiners of Psychologists.

[ 2007, c. 402, Pt. Q, §1 (NEW) .]

**2. Mental illness.** "Mental illness" means a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is typically associated with either a painful symptom or impairment in one or more important areas of functioning.

[ 2007, c. 402, Pt. Q, §1 (NEW) .]

SECTION HISTORY

1985, c. 481, §A56 (NEW). 2007, c. 402, Pt. Q, §1 (RPR).

## **32 §3812. UNLICENSED PRACTICE; EXEMPTIONS**

An individual or organization may not profess to be or be presented to the public by any title incorporating the name "psychological," "psychologist" or "psychology," other than those so licensed by this chapter, except that any psychological scientist employed by a recognized research laboratory, college, university or state or federal agency may use the title conferred upon the scientist by the administration of such or equivalent laboratory, college, university or state or federal agency. Nothing in this section may be construed as permitting such persons to offer their service 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 under this chapter. Visiting lecturers from recognized laboratories, colleges or universities are exempt from this section and may utilize their academic research title when presenting lectures to similar institutions or organizations. Students of psychology, psychological interns and other persons preparing for the profession of psychological examiner or psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern", "psychological trainee" or others clearly indicating such training status. [2007, c. 402, Pt. Q, §2 (AMD) .]

The use of occasional services of qualified consultant psychologists from another state or jurisdiction or the use of the services of organizations from another state or jurisdiction employing qualified psychologists does not constitute the unlawful practice of psychology. [2007, c. 402, Pt. Q, §2 (AMD) .]

SECTION HISTORY

1967, c. 544, §82 (NEW). 2007, c. 402, Pt. Q, §2 (AMD).

## **32 §3812-A. DELEGATION AUTHORIZED**

**1. Delegation authorized.** This chapter may not be construed to prohibit a psychologist from delegating to an individual the administration and observation of tests and certain activities relating to the practice of psychology, as long as those activities are under the supervision and control of the psychologist. "Supervision and control" may not be construed to require the personal presence of the supervising and controlling psychologist at the place where those activities take place, unless a physical presence is necessary to provide patient care of the same quality as provided by the psychologist. The board may adopt rules identifying delegated activities and appropriate levels of supervision in the practice setting. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The activities delegated by a psychologist under this subsection may not include the interpretation of test results and diagnosing and treating mental, emotional and psychological illnesses and disorders.

[ 2009, c. 112, Pt. A, §11 (NEW) .]

**2. Responsibility.** A psychologist who delegates activities as described in subsection 1 to an individual is legally and ethically responsible for all of the professional activities of that individual, and the individual in this relationship is considered the psychologist's agent. This subsection may not be construed to apply to an individual acting under a separate license accepted by the State to render services independently.

[ 2009, c. 112, Pt. A, §11 (NEW) .]

SECTION HISTORY

2009, c. 112, Pt. A, §11 (NEW).

## **32 §3813. LIMITATIONS**

Nothing in this chapter shall be construed to limit the professional pursuits of teachers and counselors in recognized public and private schools. Students of psychology, psychological interns and other persons preparing for the profession of psychological examiner or psychologist may perform as a part of their training the functions specified in section 3811, but only under the supervision of a licensed psychologist. No industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in section 3811, unless such services are performed or supervised by individuals duly and appropriately licensed under this chapter as "psychologist". [1967, c. 544, §82 (NEW).]

SECTION HISTORY

1967, c. 544, §82 (NEW).

## **32 §3814. PENALTIES FOR UNLICENSED PRACTICE**

Persons who hold themselves out to the public as psychologists or psychological examiners or engage in psychological practice as defined in this chapter and do not then possess in full force valid licenses to practice as psychological examiners or psychologists under this chapter are subject to the provisions of Title 10, section 8003-C. [2007, c. 402, Pt. Q, §3 (AMD).]

SECTION HISTORY

1967, c. 544, §82 (NEW). 1983, c. 413, §146 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. Q, §3 (AMD).

## **32 §3815. PRIVILEGED COMMUNICATIONS**

*(REPEALED)*

SECTION HISTORY

1967, c. 544, §82 (NEW). 1977, c. 564, §125 (RP).

## **32 §3816. CODE OF ETHICS**

The board shall adopt rules establishing a code of ethics in keeping with those standards established by the American Psychological Association or its successor or other organization approved by the board to govern appropriate practices or behavior as referred to in this chapter. [2007, c. 402, Pt. Q, §4 (AMD).]

SECTION HISTORY

1967, c. 544, §82 (NEW). 1983, c. 413, §147 (AMD). 2007, c. 402, Pt. Q, §4 (AMD).

## 32 §3817. SERVICES TO MINORS FOR DRUG ABUSE

Any person licensed under this chapter who renders psychological services to a minor for problems associated with the abuse of drugs or alcohol is under no obligation to obtain the consent of said minor's parent or guardian or to inform such parent or guardian of such services. Nothing in this section shall be construed so as to prohibit the licensed person rendering such services from informing such parent or guardian. For purposes of this section "abuse of drugs" means the use of drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment. [1979, c. 96, §4 (AMD).]

### SECTION HISTORY

1971, c. 237, §4 (NEW). 1973, c. 145, §4 (RPR). 1979, c. 96, §4 (AMD).

## 32 §3818. REPORTS

*(REPEALED)*

### SECTION HISTORY

1975, c. 767, §43 (NEW). 2007, c. 402, Pt. Q, §5 (RP).

## 32 §3819. REVIEW COMMITTEE IMMUNITY

Any member of a peer review committee of a state association composed of psychologists licensed under this chapter, any staff member of such an association assisting a peer review committee and any witness or consultant appearing before or presenting information to the peer review committee is immune from civil liability for, without malice, undertaking or failing to undertake any act within the scope of the function of the committee. [1987, c. 646, §13 (NEW).]

### SECTION HISTORY

1987, c. 646, §13 (NEW).

## Subchapter 2: BOARD OF EXAMINERS

## 32 §3821. MEMBERSHIP; TERMS; VACANCIES

The State Board of Examiners of Psychologists, as established by Title 5, section 12004-A, subsection 34, consists of 9 members who are appointed by the Governor to serve a term of 3 years. Two members of the board must be public members as defined in Title 5, section 12004-A. Seven members of the board must be licensed psychologists or psychological examiners and insofar as possible be representative of the field of psychology. Appointments of members must comply with Title 10, section 8009. Before the filling of any vacancies of professional or public members, the Governor may solicit recommendations. A board member may be removed by the Governor for cause. [2007, c. 402, Pt. Q, §6 (AMD).]

### SECTION HISTORY

1967, c. 544, §82 (NEW). 1975, c. 575, §43 (RPR). 1981, c. 501, §§66,67 (AMD). 1983, c. 413, §148 (AMD). 1983, c. 812, §233 (AMD). 1985, c. 481, §A57 (AMD). 1989, c. 503, §B142 (AMD). 1993, c. 600, §A249 (AMD). 2007, c. 402, Pt. Q, §6 (AMD).

## 32 §3821-A. CONSULTANT

The board may contract with a psychologist or psychologists or other qualified individual or individuals familiar with the board's purpose and operation who are available as needed to respond to inquiries from applicants for licensure, primarily inquiries regarding the component of the licensure process dealing with credentials review. The contractor shall advise, consult and assist the board with the credentials review process, as well as other matters as needed. [1999, c. 386, Pt. M, §1 (AMD).]

### SECTION HISTORY

1987, c. 395, §A173 (NEW). 1999, c. 386, §M1 (AMD).

## 32 §3822. MEETINGS; CHAIR; QUORUM

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Five members of the board constitute a quorum. [2007, c. 402, Pt. Q, §7 (AMD).]

### SECTION HISTORY

1967, c. 544, §82 (NEW). 1975, c. 575, §44 (AMD). 1975, c. 767, §44 (AMD). 1983, c. 812, §234 (AMD). 1983, c. 413, §149 (RPR). 1985, c. 481, §A58 (AMD). 2007, c. 402, Pt. Q, §7 (AMD).

## 32 §3823. GRANTS

The board may accept grants from foundations or institutions. These grants must be deposited in the State Treasury to the credit of the board. [1995, c. 397, §60 (AMD).]

### SECTION HISTORY

1967, c. 544, §82 (NEW). 1983, c. 413, §150 (AMD). 1985, c. 389, §21 (AMD). 1995, c. 397, §60 (AMD).

## 32 §3824. POWERS AND DUTIES

The board shall have the following powers and duties, in addition to those otherwise set forth in this chapter. [1983, c. 413, §151 (NEW).]

**1. Licenses.** The board shall evaluate the qualifications of applicants for licensure under this chapter.

[ 2007, c. 402, Pt. Q, §8 (AMD) .]

**2. Rules.** The board may, in accordance with procedures established by Title 5, chapter 375, subchapter 2, adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter.

[ 2007, c. 402, Pt. Q, §8 (AMD) .]

**3. Hearings.**

[ 2007, c. 402, Pt. Q, §8 (RP) .]

**4. Assistants; contracts.**

[ 1995, c. 397, §61 (RP) .]

**5. Temporary licensure.** The board shall adopt rules for the granting of a temporary license to enable psychologists to practice in this State under supervision pending such examination as the board may require. An applicant who possesses at least 1,500 hours of postdoctoral experience and fulfills all the requirements for licensure, with the exception of any required examination, may apply to the board for a temporary license. Upon receiving a completed application and fee as set under section 3833-A, the board shall issue a temporary license that entitles the applicant to practice as a psychologist or psychological examiner under supervision while completing the requirements for permanent licensure. The temporary license is effective for one year.

[ 2009, c. 415, Pt. A, §18 (RPR) .]

**6. Continuing education.** The board shall establish in rules requirements for continuing education. The board shall require the applicant for license renewal to present evidence of the applicant's satisfactory completion of continuing professional education in accordance with rules adopted by the board.

[ 2007, c. 402, Pt. Q, §8 (AMD) .]

#### SECTION HISTORY

1983, c. 413, §151 (NEW). 1983, c. 553, §46 (AMD). 1985, c. 481, §§A59,60 (AMD). 1991, c. 144, §1 (AMD). RR 1993, c. 1, §88 (COR). 1995, c. 397, §61 (AMD). 2007, c. 10, §1 (AMD). 2007, c. 402, Pt. Q, §8 (AMD). 2009, c. 415, Pt. A, §18 (AMD).

### Subchapter 3: LICENSURE

#### 32 §3831. LICENSURE; QUALIFICATIONS

**1. Psychological examiner.** A candidate for this license shall furnish the board with satisfactory evidence that the candidate is trustworthy and competent to practice as a psychological examiner in such manner as to safeguard the interests of the public; has had a master's degree reflecting comprehensive training in psychology from an accredited educational institution recognized by the board as maintaining satisfactory standards; has had at least one year of full-time supervised experience in psychology of a type considered by the board to be qualifying in nature; is competent as a psychological examiner as shown by passing such examinations, written or oral, or both, as the board determines necessary; is not considered by the board to be engaged in unethical practice; and has not within the preceding 6 months failed an examination .

[ 2007, c. 402, Pt. Q, §9 (AMD) .]

**2. Psychologist.** A candidate for this license shall furnish the board with satisfactory evidence that the candidate is trustworthy and competent to practice as a psychologist in such manner as to safeguard the interest of the public; has received a doctorate degree reflecting comprehensive training in psychology from an accredited institution recognized by the board as maintaining satisfactory standards, at the time the degree was granted; has had at least 2 years of experience in psychology of a type considered by the board to be qualifying in nature; is competent in psychology, as shown by passing such examinations as the board determines necessary; is not considered by the board to be engaged in unethical practice; and has not within the preceding 6 months failed an examination . The board shall recognize that valid comprehensive training in psychology must be received in or accepted by a single program, but may be obtained through a degree given by administrative units other than a department of psychology, including programs approved by the National

Association of School Psychologists or the American Psychological Association designation program or their successors or other organizations approved by the board. The board shall adopt a list of these programs. Individuals with degrees from programs not on that list must be evaluated on a case-by-case basis.

[ 2007, c. 402, Pt. Q, §9 (AMD) .]

#### SECTION HISTORY

1967, c. 544, §82 (NEW). 1983, c. 413, §152 (AMD). 1983, c. 468, §22 (AMD). 1983, c. 816, §A34 (RPR). 1985, c. 481, §A61 (AMD). 2007, c. 402, Pt. Q, §9 (AMD).

### **32 §3832. EXAMINATION**

Examination of applicants for a license to practice psychology or as psychological examiner shall be made by the Board of Examiners of Psychologists at least once a year according to methods and in such subject fields as may be deemed by the board to be the most practical and expeditious to test the applicant's qualifications. The examinations shall include the basic psychological sciences. The board shall require the examinations to be written or oral, or both, provided that in any written examination each applicant shall be designated by a number instead of his name so that his identity shall not be disclosed to the members of the board until the examination papers have been graded. [1983, c. 468, §23 (AMD).]

#### SECTION HISTORY

1967, c. 544, §82 (NEW). 1983, c. 468, §23 (AMD).

### **32 §3833. APPLICATION AND EXAMINATION FEES**

An application fee under section 3833-A and an examination fee may be established by the director under section 3833-A. No part of these fees is returnable under any circumstances other than failure of the board to hold examinations at the time originally announced. The examination fee only may be returned at the option of the candidate if the examination is not held at the time originally announced. [2001, c. 323, §23 (AMD).]

#### SECTION HISTORY

1967, c. 544, §82 (NEW). 1973, c. 220, §1 (AMD). 1977, c. 186, (AMD). 1979, c. 189, §1 (AMD). 1983, c. 413, §153 (RPR). 1999, c. 386, §M2 (AMD). 2001, c. 323, §23 (AMD).

### **32 §3833-A. FEES**

The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable for their respective purposes, except that the fee for any one purpose may not exceed \$500 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [2001, c. 323, §24 (NEW).]

#### SECTION HISTORY

2001, c. 323, §24 (NEW).

### **32 §3834. ISSUANCE OF LICENSE**

*(REPEALED)*

#### SECTION HISTORY

1967, c. 544, §82 (NEW). 1983, c. 413, §154 (AMD). 2007, c. 402, Pt. Q, §10 (RP).

## 32 §3835. LICENSE RENEWAL

Licenses issued under this chapter expire biennially or as established by the Commissioner of Professional and Financial Regulation. A person licensed under this chapter shall submit, on or before the established expiration date, an application for license renewal together with the renewal fee as set under section 3833-A. [2007, c. 402, Pt. Q, §11 (AMD).]

A license may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 3833-A. Any person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the late fee and renewal fee, within 2 years from the date of that expiration. [2007, c. 402, Pt. Q, §11 (AMD).]

### SECTION HISTORY

1967, c. 544, §82 (NEW). 1973, c. 220, §2 (AMD). 1975, c. 767, §§45,46 (AMD). 1979, c. 189, §2 (AMD). 1983, c. 204, §10 (AMD). 1983, c. 553, §46 (AMD). 1983, c. 413, §155 (RPR). 1985, c. 481, §A62 (AMD). 1995, c. 502, §H32 (AMD). 2001, c. 323, §25 (AMD). 2007, c. 402, Pt. Q, §11 (AMD).

## 32 §3836. ENDORSEMENT; CONDITIONAL LICENSURE

The board may, at any time at its discretion, grant a conditional license without examination to any person who at the time of application is licensed by a similar board of another state whose standards, in the opinion of the board, are equivalent to those required by this chapter. The board, at its discretion, may issue a conditional license, at the appropriate level, to applicants for a permanent license upon payment of the fee as set under section 3833-A. The conditional license is effective for one year and requires that the licensee practice only under supervision. The board may require conditional licensees to pass an examination approved by the board during the term of the conditional license. [2007, c. 402, Pt. Q, §12 (AMD).]

### SECTION HISTORY

1967, c. 544, §82 (NEW). 1973, c. 625, §219 (AMD). 1983, c. 413, §156 (AMD). 1983, c. 468, §24 (AMD). 1983, c. 816, §A35 (RPR). 1991, c. 144, §2 (AMD). 2001, c. 323, §26 (AMD). 2007, c. 402, Pt. Q, §12 (AMD).

## 32 §3837. SUSPENSION; REFUSAL; OR REVOCATION OF LICENSE

*(REPEALED)*

### SECTION HISTORY

1967, c. 544, §82 (NEW). 1973, c. 303, §3 (AMD). 1975, c. 575, §45 (AMD). 1983, c. 413, §157 (RPR). 1993, c. 600, §A250 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. Q, §13 (RP).

## 32 §3837-A. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION

**1. Disciplinary action.** In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

A. Practice of psychology under a false or assumed name or impersonation of another practitioner of a like or different name; [2007, c. 402, Pt. Q, §14 (NEW).]

B. Habitual substance abuse that has resulted or is foreseeable likely to result in the licensee performing services in a manner that endangers the health or safety of patients; [2007, c. 402, Pt. Q, §14 (NEW).]

C. An incapacitating mental illness or condition; [2007, c. 402, Pt. Q, §14 (NEW).]

D. Practice of medicine without a license to do so in violation of section 3270; [2007, c. 402, Pt. Q, §14 (NEW).]

E. Practice by a licensed psychological examiner at a level requiring a psychologist's license or any representation by a psychological examiner that that psychological examiner is a psychologist; or [2007, c. 402, Pt. Q, §14 (NEW).]

F. Negligence in the performance of the licensee's duties. [2007, c. 402, Pt. Q, §14 (NEW).]

[2007, c. 402, Pt. Q, §14 (NEW).]

**2. Reinstatement.** The board, for reasons it determines sufficient, may reissue a license to a psychological examiner or psychologist whose license has been revoked or has not been renewed if 4 or more of its members vote in favor of reissuance.

[2007, c. 402, Pt. Q, §14 (NEW).]

#### SECTION HISTORY

2007, c. 402, Pt. Q, §14 (NEW).

### **32 §3838. HEARING ON REFUSAL TO ISSUE OR RENEW**

*(REPEALED)*

#### SECTION HISTORY

1967, c. 544, §82 (NEW). 1977, c. 694, §619 (AMD). 1983, c. 413, §158 (RPR). 1985, c. 481, §A63 (AMD). 2007, c. 402, Pt. Q, §15 (RP).

### **32 §3839. JUDICIAL REVIEW**

*(REPEALED)*

#### SECTION HISTORY

1967, c. 544, §82 (NEW). 1983, c. 413, §159 (RPR). 2007, c. 402, Pt. Q, §16 (RP).

### **32 §3840. COORDINATED LICENSURE-CERTIFICATION PROCESSES**

*(REPEALED)*

#### SECTION HISTORY

1985, c. 481, §A64 (NEW). 1985, c. 763, §A84 (RPR). 1989, c. 700, §A148 (AMD). 1993, c. 207, §3 (RP).

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