



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised August 2023

1. General Information

| | | |
|---|------------------------------------|-------------|
| a. Agency/Board Name* | | |
| b. Agency/Board Address | c. City | d. Zip Code |
| e. Name of Agency Liaison | f. Agency Liaison Telephone Number | |
| g. Agency Liaison Email Address | | |
| h. Date of Public Notice | i. Comment Period End Date | |
| j. Public Comment URL or Email Address: | | |
| k. Program | | |
| Amended Program Name (if applicable): | | |

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted: Chapter: _____ Year: _____

3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

| | | |
|---------------------------------------|---------------|---|
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
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| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
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| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | |



Additional Rule Information

Revised June 2020

Include this page only if needed.

1. General Information

| | | |
|---------------------------------------|------------------------------------|-------------|
| a. Agency/Board Name* | | |
| b. Agency/Board Address | c. City | d. Zip Code |
| e. Name of Agency Liaison | f. Agency Liaison Telephone Number | |
| g. Agency Liaison Email Address | | |
| h. Program | | |
| Amended Program Name (if applicable): | | |

2. Rule Type and Information, Cont.

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

| | | | | |
|---------------------------------------|---------------|------------------------------|----------------------------------|-----------------------------------|
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New | <input type="checkbox"/> Amended | <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New | <input type="checkbox"/> Amended | <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New | <input type="checkbox"/> Amended | <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New | <input type="checkbox"/> Amended | <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New | <input type="checkbox"/> Amended | <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New | <input type="checkbox"/> Amended | <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New | <input type="checkbox"/> Amended | <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | | | |
| Chapter Number: | Chapter Name: | <input type="checkbox"/> New | <input type="checkbox"/> Amended | <input type="checkbox"/> Repealed |
| Amended Chapter Name (if applicable): | | | | |

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

| | | | |
|-------|-------|-------|-----------|
| Date: | Time: | City: | Location: |
|-------|-------|-------|-----------|

b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual

Title of Authorized Individual

Date of Authorization

STATEMENT OF REASONS

The Wyoming Board of Psychology (Board) is authorized to adopt rules and regulations to implement the Board's practice act under W.S. 33-27-116. The Board regularly reviews its rules to correct inconsistencies, eliminate any repetition with its practice act, correct grammatical errors, and update the rules' requirements. The Board has also been monitoring its revenue, expenses, and budgetary needs, with special focus on legislative changes that affect the Board's finances.

The 2021 legislative session enacted a bill that required the Board to "inquire and maintain a record" of whether an applicant is a member of the military. Collection of this information indicated that over eighty (80) licensees are military service members, which, in accordance with W.S. 19-1-118 and 19-1-119 exempts them from payment of any renewal fees, causing a severe drop in the Board's anticipated revenues.

The 2022 legislative session increased employee compensation; authorized an additional staff position within the Department of Administration and Information's Professional Licensing Board (PLB) office; and provided for regulation of behavior analysts and assistant behavior analysts under the Board of Psychology.

The 2023 legislative session enacted the Psychology Interjurisdictional Compact, also resulting in a loss of revenue to the Board.

Finally, the PLB office is currently building an online licensing system. All boards administered in this office are expected to pay a reasonable portion of the startup and ongoing maintenance costs.

With these expenditure increases and revenue losses in mind, the Board has decided that it cannot support these costs without increasing their fees. The Board increased application, initial license, and renewal fees in 2004, however, decreased renewal and initial license fees in 2010. Since that time, the Board has absorbed all inflation costs affecting necessary office supplies and travel expenses, as well as other employee compensation increases over the years. The Board receives no general fund monies and is fully self-sufficient.

The proposed changes to the rules include adding the Board's authority to promulgate rules to every chapter as required by Wyo. Stat. Ann. § 16-3-104(a), as well as the following:

In Chapter 1, the Board is proposing to remove the requirement for their annual meeting to be held on the first Friday of November, to provide more flexibility of scheduling.

In Chapter 8, after review of the requirements of surrounding states and national standards, the Board is proposing to increase the continuing education hours required every two

years from thirty (30) to forty (40) hours that must be accrued during the two (2) years prior to the renewal date for which they are due. Also, the Board is adding the requirement that fingerprint cards are submitted every two years at the time of renewal, in order to obtain state and national criminal history record information in accordance with W.S. 33-27-116(o).

In Chapter 9, the Board is proposing to eliminate the prorated initial license fee that was collected upon application approval and combine this with the application fee that is required with application submission. At its highest, this increases the application fee by \$125.00. The Board is also proposing an increase to the renewal fee and late renewal fee by \$200.00.

In Chapter 10, the Board is proposing moving the practice and procedures for disciplinary, licensure and application matters to new chapters, and changing this chapter to include only grounds for disciplinary action.

In Chapter 15, the Board is correcting typographical errors in Section 3(g)(x) and (h)(i). The Board has also promulgated rules for ethical conduct when practicing telepsychology as more psychologists move to virtual sessions and obtain compact licenses.

The Board is proposing new Chapters 16 and 17 governing investigations and contested cases for discipline and license applications. The changes bring the Board's discipline chapters in line with the model rule procedures drafted by the Attorney General's Office and that other professional licensing boards use to clarify the investigation process and protect the due process of rights of license and certificate holders.

The Board is proposing a new Chapter 18 promulgating rules for new continuing education requirements. The Board's current rules require that any continuing education be approved by the APA, WPA, NASP, or WSPA. The Board recognizes that there is good quality continuing education available that may not be approved by these entities and these proposed requirements provide an expansion of acceptable activities license and certificate holders can utilize to obtain the required hours for renewal.

Finally, the Board is proposing repealing Appendix A and B, as these are immensely outdated versions of the Board's practice act and the American Psychology Association's Ethical Principles of Psychologists and Code of Conduct.

CHAPTER 1

GENERAL PROVISIONS

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Psychology pursuant to their authority under the Psychology Licensing Act, Wyoming Statute 33-27-113 through 33-27-125.

Section 2. Terms Defined by Statute. Terms defined in W.S. 33-27-113 through 33-27-125 shall have the same meanings when used in these Rules unless the context or subject matter clearly requires a different interpretation.

Section 3. Terms Defined Herein. As used in these Rules, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

- (a) APA - American Psychological Association
- (b) ASPPB - Association of State and Provincial Psychology Boards
- (c) BACB – Behavior Analyst Certification Board
- (d) BCBA – Board Certified Behavior Analyst certified by the BACB_
- (e) BCaBA – Board Certified Assistant Behavior Analyst certified by the BACB
- (f) EPPP - Examination for Professional Practice in Psychology
- (g) NASP - National Association of School Psychologists
- (h) NCSP - Nationally Certified School Psychologist
- (i) NSPE - National School Psychology Examination
- (j) WPA - Wyoming Psychological Association
- (k) WSPA - Wyoming School Psychology Association
- (l) “Psychological Trainee” means a person who holds a bachelor’s degree in psychology or related field, is pursuing an advanced degree in psychology, and is receiving practical experience under the supervision of a licensed psychologist.
- (m) “Psychological Intern” means a person who holds a master’s degree in psychology, is enrolled in a doctoral program, and is receiving practical experience under the supervision of a licensed psychologist.

(n) “Psychological Resident” means a person who holds a doctoral degree from a regionally accredited institution, who has joined the staff of an entity that provides psychological services as an employee to meet the experience requirement.

(o) “Regionally accredited” means accredited by one of the regional or national institutional accrediting bodies recognized by the Council for Higher Education Accreditation (CHEA).

(p) “Substantially equivalent” means equal to or exceeds.

Section 4. Board. The Board shall elect a Chairman and Vice-chairman at its annual meeting in November. The Board may meet at other times as deemed necessary to transact business.

Section 5. Incorporation by Reference. The Board hereby incorporates by reference the following:

(a) Each rule and code incorporated by reference is further identified as follows:

(i) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, available at <http://rules.wyo.gov>.

(ii) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, available at <http://rules.wyo.gov>.

(iii) Ethics Standards as updated by the BACB effective August 2024, available at <https://psychology.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board office and available for public inspection and copying at cost at the same location.

CHAPTER 4

APPLICATION PROCEDURES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-117 and 33-27-124.

Section 2. Application Status.

(a) Applications shall be deemed “complete” when all necessary documentation has been received by the Board office.

(b) An applicant has one (1) year from the date of initial submission to complete their application. An application that is not completed during the one (1) year period shall expire and the applicant must submit a new application, including fingerprint cards and payment of all required fees.

Section 3. Psychologist License Application Requirements.

(a) Regular. Applicants for a regular license that do not meet the requirements for a license by endorsement shall submit the following:

(i) A completed application form as provided by the Board;

(ii) Official transcripts from each college or university attended sent directly to the Board by the respective college or university;

(iii) Official verification of EPPP exam scores sent directly to the Board from the exam administrator;

(iv) Supervised Pre-Doctoral Experience Verification form as provided by the Board documenting the nature of the supervised experiences and sent directly to the Board by the doctoral program training director;

(v) Supervised Pre-doctoral Internship Experience verification form as provided by the Board documenting the nature of the supervised experiences and sent directly to the Board by the internship supervisor or institution or site;

(vi) Supervised Post-Doctoral Work Experience Verification form as provided by the Board documenting the nature of the supervised experiences and sent directly to the Board by the supervisor, if required;

(vii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

- (viii) All appropriate fees;
 - (ix) Proof of Lawful Presence in the United States; and
 - (x) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).
- (b) Temporary. A temporary license is non-renewable and limited to two (2) per applicant. Every applicant for temporary licensure shall submit:
- (i) A completed application form as provided by the Board;
 - (ii) License verification from a state where the applicant is currently licensed, sent directly to the Board by the appropriate regulatory body;
 - (iii) All appropriate fees;
 - (iv) Proof of Lawful Presence in the United States; and
 - (v) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).
- (c) Endorsement. Applicants for a license by endorsement shall submit:
- (i) A completed application form as provided by the Board;
 - (ii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;
 - (iii) All appropriate fees;
 - (iv) Proof of Lawful Presence in the United States; and
 - (v) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

Section 4. Certificate.

- (a) Psychological Practitioner. Every applicant for certification must submit:
- (i) A completed application form as provided by the Board;
 - (ii) Official transcripts from each college or university attended sent directly to the Board by the respective college or university;

(iii) Official verification of EPPP exam scores sent directly to the Board from the exam administrator;

(iv) Supervised Practicum or Internship Verification form as provided by the Board documenting the nature of the supervised experiences and sent directly to the Board by the practicum or internship supervisor or institution or site;

(v) If applicable, Supervised Post-Degree Work Experience form as provided by the Board and sent directly to the Board by the supervisor;

(vi) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

(vii) All appropriate fees;

(viii) Proof of Lawful Presence in the United States;

(ix) A Supervision Agreement form as provided by the Board, signed by the applicant and the applicant's supervisor; and

(x) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

(b) Specialist in School Psychology. Every applicant for certification must submit:

(i) A completed application form as provided by the Board;

(ii) All appropriate fees;

(iii) Official transcripts from each college or university attended sent directly to the Board by the respective college or university;

(iv) Supervised Internship Experience verification form as provided by the Board documenting the nature of the supervised experiences and providing the names and addresses of supervisors sent directly to the Board by the internship supervisor or institution or site;

(v) Official verification of NSPE exam scores sent directly to the Board from the exam administrator;

(vi) Official verification of certification as a school psychologist to practice in the public schools by the Professional Teachers Standards Board sent directly to the Board by the Department board;

(vii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

(viii) Proof of Lawful Presence in the United States;

(ix) A Supervision Agreement form as provided by the Board, signed by the applicant and the applicant's supervisor; and

(x) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

Section 5. Behavior Analyst License Application Requirements.

(a) The BACB is the sole certifying entity recognized by the Board.

(b) Behavior Analyst. Applicants for a behavior analyst license shall submit:

(i) A completed application form as provided by the Board;

(ii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

(iii) Verification from the BACB or its successor organization, that the applicant holds a current certification as a board certified behavior analyst in good standing;

(iv) All appropriate fees;

(v) Proof of Lawful Presence in the United States; and

(vi) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

(c) Assistant Behavior Analyst. Applicants for an assistant behavior analyst license shall submit:

(i) A completed application form as provided by the Board;

(ii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

(iii) Verification from the BACB or its successor organization, that the applicant holds a current certification as a board certified assistant behavior analyst in good standing;

- (iv) All appropriate fees;
- (v) Proof of Lawful Presence in the United States;
- (vi) Proof that the applicant will be supervised by a licensed psychologist or licensed BCBA in good standing; and
- (vii) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

Section 5. Issuance of Licenses and Certificates.

- (a) The Board shall issue a wall certificate and pocket cards bearing the full name of the holder, discipline designation, license or certification number, date of issuance, expiration date, and appropriate seal. The wall certificate shall be prominently displayed at their place of employment.
- (b) Temporary license holders shall be issued pocket cards only.
- (c) Upon request and payment of the duplicate fee, a second wall certificate may be issued.

CHAPTER 5

PSYCHOLOGIST LICENSURE REQUIREMENTS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-117 and 33-27-124.

Section 2. General Requirements. A license as a psychologist shall be issued when the applicant has provided adequate evidence to the Board that the applicant:

- (a) Has a reputation for honesty, trustworthiness, integrity and competence and;
- (b) Has met the education, supervised or professional experience, and examination requirements as described below;
- (c) Possesses a current Certificate of Professional Qualification in Psychology (CPQ) in good standing issued by ASPPB;
- (d) Is a member of the National Register for Health Service Providers in Psychology or the American Board of Professional Psychology and licensed in good standing as a psychologist in another state, territory, or possession of the United States or a foreign jurisdiction with substantially equivalent licensing requirements to Wyoming; or
- (e) Holds a license in good standing in another jurisdiction including any state or territory of the United States, whose requirements for licensure are equal to or exceed the requirements in Section 23 and has practiced continuously for the five (5) years immediately preceding the application for licensure.

Section 3. Educational Requirements. All applicants for licensure as a psychologist must possess a doctoral degree from a regionally accredited university.

- (a) The educational requirement may be met by the completion of a doctoral degree program in psychology accredited by the APA Commission on Accreditation (CoA) degree program in psychology at the time the applicant participated; or
- (b) A program that meets all of the criteria listed below;
 - (i) The doctoral degree program must include:
 - (A) A minimum of three academic years of full-time graduate study or the equivalent including at least forty semester hours, or sixty quarter hours, of graduate courses in curriculum areas described in subsection (ii) of this section. Courses must be clearly identified by title and course content as being part of an integrated psychology program.

(B) One (1) year in residency as described in subsection (iii) of this section;

(C) An organized, sequential and coordinated supervised professional training experience as described in Section 4.

(ii) Curriculum requirements: The applicant must demonstrate three or more semester hours, or five or more quarter hours (or their equivalent) of core study in each of the following content areas:

(A) History and systems of psychology;

(B) Research design and methodology;

(C) Statistics and psychometrics;

(D) Biological bases of behavior for example: Physiological psychology, comparative psychology, neural bases of behavior, sensation and perception, and biological bases of development;

(E) Cognitive-affective bases of behavior for example: Learning, thinking, motivation, emotion, and cognitive development;

(F) Social bases of behavior for example: Social psychology, organizational theory, community psychology, and social development;

(G) Individual differences for example: Personality theory; developmental psychology, child development, adult development and aging;

(H) Professional standards and ethics;

(I) Cultural and individual diversity;

(J) Psychopathology or dysfunctional behaviors;

(K) Theories and methods of assessment and diagnosis;

(L) Effective psychological intervention and evaluation of the efficacy of interventions; and

(M) Consultation and supervision.

(iii) Academic Residency requirement:

(A) The doctoral degree program must involve at least one (1) continuous academic year of full-time physical residency at the institution that grants the degree

or a minimum of 1,500 hours of student-faculty contact involving in person individual or group educational meetings.

(B) Educational meetings:

(I) Must include both faculty-student and student-student face-to-face interaction;

(II) Be conducted by the psychology faculty of the institution at least seventy-five percent of the time;

(III) Be fully documented by the institution and the applicant;

and

(IV) Relate substantially to the program components specified.

Section 4. Foreign Graduates. An applicant for licensure whose application is based on graduation from an institution of higher education located outside the United States and its territories shall demonstrate that the applicant's formal education is equivalent to a doctoral degree in psychology from a regionally accredited educational institution.

(a) The Board shall find that the institution of higher education from which an applicant graduated is equivalent to a regionally accredited education institution only if the institution of higher education is included in one of the following:

(i) International Handbook of Universities, published for the international Association of Universities by Stockton Press;

(ii) Commonwealth Universities Yearbook, published for the Association of Commonwealth Universities by John Foster House; or

(iii) Another source the Board determines provides reliable information.

(b) The academic transcript of an applicant who graduated from an institution located outside the United States and its territories shall be translated into English and evaluated by a member organization of the National Association of Credential Evaluation Services (NACES). The applicant is responsible for paying all expenses incurred to obtain a translation and review of the academic transcript.

(c) When the credential review is completed, the NACES member organization shall submit the review report to the Board. The Board shall review the report and determine whether the applicant's education meets the standard.

(d) Upon written request, the Board may waive the credential review required for an applicant who graduated from a doctoral program that is accredited by the accreditation panel of the Canadian Psychological Association.

(e) After the Board determines that the formal education of an applicant is equivalent to a doctoral degree in psychology from a regionally accredited educational institution, the

applicant shall provide evidence to the Board that they have met all other requirements for licensure.

Section 5. Experience Requirement. The applicant must have completed 3,000 hours of supervised professional experience related to the practice of psychology, in no less than two (2) years. 1,500 hours of supervised professional experience is equal to one (1) year. The supervised professional experience shall include a pre-doctoral internship program which, at the time the applicant participated, was accredited by the APA Commission on Accreditation, or was a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC) or documented equivalent experience. Additional supervised professional experience may be accumulated from the following:

(a) Pre-internship. Pre-internship training can include up to one year (1,500 hours) of supervised professional experience in practicum, clerkship, or other training activities required in the doctoral degree program. Pre-internship training is an organized, sequential series of supervised professional experiences of increasing complexity, serving to prepare the student for internship and partially meeting requirements for licensure. Training experiences shall follow appropriate academic preparation and shall be overseen by the graduate training program. Such training shall be an extension of the student's academic coursework and not the provision of services that are not within the scope of the education received:

(i) Before beginning a pre-internship training experience, the student, the doctoral program, and the pre-internship program must agree on and document the goals for the training experience, the student's expectations for the training experience, the nature of the pre-internship experience, and how the training experience will be evaluated.

(ii) At least sixty percent (60%) of the pre-internship experience must be direct client contact providing assessment and intervention services.

(iii) The pre-internship experience must be supervised by the person(s) responsible for the assigned casework.

(A) At least seventy-five percent (75%) of the supervision must be by a licensed psychologist.

(B) Up to twenty-five percent (25%) of the supervision may be completed by the following:

(I) A psychiatrist(s) with at least three (3) years experience beyond residency;

(II) A licensed mental health counselor(s) with at least three (3) years post-license experience;

(III) A licensed marriage and family therapist(s) with at least five (5) years post-license experience;

(IV) A licensed clinical social worker(s) with at least three (3) years post-license experience.

(b) Post-Doctoral. If two (2) years of supervised professional experience has not been completed by the end of the doctoral degree program, then up to 1,500 hours of supervised post-doctoral experience can be used to satisfy the total requirement. This experience can be satisfied by completion of:

(i) A post-doctoral training program which, at the time the applicant participated, was accredited by the APA Commission on Accreditation, or was a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or

(ii) Post-doctoral supervised professional experience that meets the following criteria:

(A) Question of timing of submission.

(B) The title “Psychological Resident” may be used only in conjunction with activities and services that are part of supervised training in order to fulfill the experience requirements for licensure.

(C) The term “Psychologist” may not be used by psychological residents and their names may not appear in advertising.

(D) With the approval of the supervisor, Psychological Residents may send announcements of their supervised practice, may have business cards, and may bill directly. However, the supervisory relationship must be indicated and the supervisor’s name, address and telephone number must appear on all of these documents.

(E) All applicants shall submit a completed Supervision Verification Form as provided by the Board, signed by the supervisor(s) and sent directly to the Board which attests to the nature and quality of the supervisee’s post-doctoral supervised professional experience and the satisfactory completion of that supervised professional experience by the supervisee.

(iii) Any individual who obtains the post-doctoral supervised professional experience outside the State of Wyoming must demonstrate that the post-doctoral supervised professional experience was substantially equivalent to the post-doctoral supervised professional experience required in the State of Wyoming.

Section 6. Examination Requirement. The examination accepted by the Board to determine eligibility for licensure shall be the current EPPP.

(a) To be considered for examination, the applicant shall submit a completed application form and accompanying documentation. The applicant shall be notified in writing whether the application has been approved for examination.

(b) Every applicant for licensure must achieve a passing score of at least 70 percent (70%) or a scaled score of 500 on the examination. The examination must be passed within two (2) years of the initial notification from the Board granting permission to take the examination. Applicants who are unable to pass the examination within two (2) years must wait an additional two (2) years to reapply for licensure.

(c) In the case of applicants who are not licensed in another state, but who have taken the EPPP within a five (5) year period preceding receipt of the application for licensure, the Board may waive retaking of the examination if the applicant achieved a passing score as defined above.

CHAPTER 6

CERTIFICATION REQUIREMENTS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-114.

Section 2. Psychological Practitioner.

(a) **Certification Requirement.** An individual must be certified with the Wyoming State Board of Psychology before practicing as a psychological practitioner.

(b) **Education Requirements.** All applicants shall have completed a minimum of forty-two (42) graduate hours in psychology, or the quarter hour equivalent, and hold a master's or doctoral degree in psychology from a college or university which was regionally accredited at the time the applicant was enrolled and graduated. In determining whether an applicant's academic program was appropriate, the board shall employ the following criteria:

(i) The program, wherever it may be housed administratively, must be clearly identified as a psychology program.

(ii) The program must be an integrated, organized sequence of study in psychology.

(iii) The psychology program must stand as a recognizable, coherent and organized entity within the institution.

(iv) There must be a clearly identified authority with primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(v) There must be an identifiable psychology faculty and a psychologist formally responsible for the program.

(vi) The program must have an identifiable body of students who are matriculated in that program for a degree.

(vii) The program must specify in pertinent institutional catalogs and brochures its intent to educate and train individuals for the professional practice of psychology.

(c) **Experience Requirement.** Individuals may demonstrate fulfillment of the experience requirement by completion of 450 hours of supervised practicum or internship experience, in no more than two (2) placements, with supervision provided by a licensed psychologist, in the course of obtaining the degree.

(d) **Examination Requirement.** The examination accepted by the Board to determine eligibility for certification shall be the current EPPP.

(i) To be considered for examination, the applicant shall submit a completed application form and accompanying documentation. The applicant shall be notified in writing whether the application has been approved for examination.

(ii) Every applicant for certification must achieve a raw score of 130 or a scaled score of 450 on the examination.

(iii) In the case of applicants who are not certified in another state, but who have taken the EPPP within a five (5) year period preceding receipt of the application for certification, the Board may waive retaking of the examination if the applicant achieved a passing score as defined above.

(iv) A psychological practitioner certified in any other state, province, territory or possession may be eligible for certification without examination provided the requirements for such certification in such state, territory, or possession are substantially equivalent to certification requirements in Wyoming.

Section 3. Specialist in School Psychology.

(a) Certification Requirement. An individual must be certified with the Wyoming State Board of Psychology before practicing as a specialist in school psychology.

(b) Any applicant who is NCSP certified, and who is certified as a School Psychologist by the Professional Teachers Standard Board in Wyoming shall be considered as having met the education, experience, and examination requirements for certification as a Specialist in School Psychology.

(c) All other applicants must meet the following criteria:

(i) Education Requirements. The applicant shall have completed a master's degree in school psychology plus thirty (30) graduate semester hours, or a higher level degree program in school psychology, with sixty (60) graduate semester hours minimum, consisting of course work, practicum, internship and culminating in a graduate degree in school psychology from an NASP accredited graduate degree program in school psychology. All other applicants must meet the current standards for graduate preparation approved by the National Association of School Psychologists (NASP) or its successor.

(ii) Internship Requirements. The applicant shall have successfully completed a 1,200 hour supervised internship in school psychology, of which 600 hours shall be in a school setting. The internship shall be recognized through institutional documentation (transcript) and must meet the current standards for graduate preparation approved by the National Association of School Psychologists (NASP) or its successor. Internships completed prior to December 31, 1994 which meet the above requirement are accepted without institutional documentation.

(iii) Examination Requirement. The applicant must pass the NSPE. A passing score is one which equals or exceeds the cut score determined by NASP for achieving the NCSP credential at the time the applicant took the NSPE.

Section 4. Scope of Practice.

(a) Psychological Practitioner. A certified psychological practitioner shall practice under the supervision of a psychologist who is qualified by scope of practice to work in the area the psychological practitioner will be.

(i) The supervising psychologist shall maintain ultimate responsibility for the psychological activities of supervisees, the welfare of every client served by the psychological practitioner, and be fully accountable in the event that professional, ethical, or legal issues are raised.

(ii) Irrespective of any other training which the psychological practitioner may have completed, or any other certification or licensure which the psychological practitioner may possess, or any other professional title or label he or she may claim, anyone certified as a psychological practitioner is bound by the provisions of the act and the rules of the Board in providing psychological services.

(c) Specialist in School Psychology. A certified specialist in school psychology shall function under the supervision of a psychologist who has the appropriate training and experience to supervise individuals within the school psychology specialty scope of practice.

(i) Irrespective of any other training which the specialist in school psychology may have completed, or any other certification or licensure which the specialist in school psychology may possess, or any other professional title or label the individual may claim, anyone certified as a specialist in school psychology is bound by the provisions of the act and rules of the Board in providing school psychological services.

CHAPTER 7

MENTAL OR PHYSICAL IMPAIRMENT

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-121.

Section 2. Determination of Mental or Physical Impairment.

(a) If the Board has reasonable grounds to suspect that an individual licensed or certified under this act or an applicant may be using controlled substances or lacks the mental or physical capacity to practice with reasonable skill and safety to patients or clients, the Board may:

(i) Order the individual to submit to a psychological evaluation, at the sole expense of the applicant or license or certificate holder, by one of three psychologists designated by the Board and selected by the individual; and

(ii) Order the individual to submit to a physical or other medical evaluation, at the sole expense of the applicant or license or certificate holder, by one of three physicians designated by the Board and selected by the individual.

(b) Refusal of an individual or applicant to submit to such examination within a reasonable time or to release the results of such examination shall be just cause for the denial of application, refusal to renew, suspension or limitation of the individual's license or certification until such an examination is completed and the Board has made a determination of fitness to practice with reasonable skill and safety.

(c) If the Board determines that the individual in question is not qualified to practice with reasonable skill and safety, then this finding shall constitute grounds for the revocation, suspension, or limitation of the license or certification to practice or the denial of the application to practice in this jurisdiction.

(d) Any individual whose license or certification to practice is denied, revoked, suspended or otherwise limited, or applicant whose application is denied due to a finding of mental or physical impairment has a right to appeal the action of the Board pursuant to the provisions of the Administrative Procedures Act.

(e) When mental or physical capacity to practice is at issue, every individual licensed or certified to practice in this jurisdiction or any applicant shall be deemed to have consented to submit to a mental or physical examination or any combination of such examinations and to waive all objections to the admissibility of such examinations or to previously adjudicated evidence of a mental or physical impairment.

CHAPTER 8

RENEWAL OF LICENSES AND CERTIFICATES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116.

Section 2. Annual Renewal of Licenses and Certificates.

(a) Licenses and certificates expire June 30 of every year. The Board shall provide a renewal notice to individuals no later than thirty (30) days prior to the expiration date.

(b) The complete application and renewal fee must be postmarked or electronically completed no later than the expiration date.

(c) Renewal applications postmarked or electronically completed within the thirty (30) days immediately following the expiration date of a license or certificate will be assessed a late fee in addition to the renewal fee.

(d) Renewal applications postmarked or electronically completed more than thirty (30) days following the expiration date will not be accepted by the Board and the license or certificate will expire.

(e) Failure to receive notice from the Board for renewal of a license or certificate does not excuse an individual from the requirements for renewal under the Act and this rule.

(f) A license or certificate holder who has allowed his/her license or certificate to expire may apply for license or certificate within one (1) year of the expiration date by submitting a renewal application for a license or certificate, the application fee, the restoration fee, the license or certificate fee for the current year, and verification of having completed forty (40) hours of continuing education within the twenty-four (24) months immediately preceding the application date.

Section 3. Psychologist, Psychological Practitioner, and Specialist in School Psychology Continuing Education Requirements.

(a) As a condition for renewal, license and certificate holders must provide documentation of having completed forty (40) hours of continuing education every two (2) years on their renewal date.

(b) These hours may be earned as provided in Chapter 18.

(c) It is the licensee or certificate holder's responsibility to obtain the necessary documentation of hours earned from the continuing education activity sponsor and to submit such documentation to the Board upon request.

Section 4. BCBA and BCaBA. A BCBA or BCaBA applying for renewal of their license shall provide proof of current BACB certification in good standing.

Section 5. Change of Name and/or Address. It is the responsibility of the individual to inform the Board in writing of any change in legal name, or contact information within thirty (30) days of the change.

Section 6. Fingerprint Cards. As required by W.S. 7-19-201 (a)(xxxii), in order to obtain state and national criminal history record information legible fingerprint cards shall be submitted by all applicants for renewal every two years.

CHAPTER 9

FEES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116.

Section 2. General Information.

(a) Fees shall be payable in the exact amount for all services and shall be paid in advance of the services rendered.

(b) All fees collected by the Board are non-refundable.

Section 3. Fees. Services for which the Board charges a fee include but are not limited to the following:

| | | |
|-----|---|-------|
| (a) | Application Fee: | \$600 |
| (b) | Temporary Application and License Fee: | \$150 |
| (c) | Annual License or Certification Renewal Fee: | \$400 |
| (d) | Late Fee for License or Certification Renewal: | \$400 |
| (e) | Official License or Certification Verification Fee: | \$15 |
| (f) | Replacement/Duplicate Document Fee: | \$25 |
| (g) | Restoration of Expired License Fee: | \$200 |

CHAPTER 10

GROUND FOR DISCIPLINARY ACTION

Section 1. Authority. These rules are adopted under the Board's authority granted by Wyoming Statute 33-27-120.

Section 2. Grounds for Discipline. The Board may take disciplinary action or refuse to issue or renew a license for any one (1) or more of the following acts or conduct:

- (a) Fraud, deception or misrepresentation in applying for a license or certificate, in taking an examination, or in rendering services;
- (b) Unprofessional or dishonorable conduct that would violate the provisions of this chapter or the Act, including W.S. 33-27-120(b);
- (c) Practicing psychology in a manner that endangers the welfare of clients or patients;
- (d) Harassment, intimidation or abuse - sexual or otherwise - of a client or patient;
- (e) Sexual exploitation of a client or patient as defined in W.S. 33-27-113(a)(viii);
- (f) Malpractice or negligence in the practice of psychology;
- (g) Aiding or abetting the practice of psychology by individuals not licensed or certified by the Board;
- (h) Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third-party vendor;
- (i) Exercising undue influence to exploit a client, patient, student or supervisee for financial or other personal advantage to the practitioner or a third party;
- (j) The suspension, revocation, imposition of conditions, or any other adverse action against the licensee's license to practice psychology in another state. A certified copy of another state's order shall be conclusive evidence of the other state's action;
- (k) Refusal to appear before the Board after receiving an order to appear from the Board, its executive officer, or chairperson;
- (l) Making any fraudulent or untrue statement to the Board;
- (m) Inability to practice psychology with reasonable skill and safety to patients or clients because of illness, inebriation, misuse or impairment from drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition;
- (n) Failure to meet the requirements for licensing or certification set forth in the Board's rules;
- (o) Revealing the content of privileged communications, except as required by an established court of law, or as set forth in Chapter 15 or as provided in W.S. 33-27-123; or

(p) Conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients.

(q) Practicing sexual orientation change efforts, popularly known as “conversion therapy.” For the purpose of this subsection, “sexual orientation change efforts” includes the provision of treatment, interventions, counseling, or services intended to change a person’s sexual orientation, gender identity, or gender expressions. “Sexual orientation change efforts” does not include treatment, interventions, counseling, or services provided to persons seeking to transition from one gender to another or that provide acceptance, social support, and identity exploration and development.

(r) Assisting law enforcement officers in interrogations.

CHAPTER 14

SUPERVISION

Section 1. Authority. These rules are adopted under the Board's authority granted by Wyoming Statute 33-27-114(e).

Section 2. Applications.

(a) Qualified supervision is required for those individuals who:

(i) Are psychological residents as defined by the Board for the practice of psychology under qualified supervision.

(ii) Are deemed by the Board, because of academic, experiential, professional, or personal background reasons or because of formal adjudication or stipulated agreement, to require supervision in the practice of psychology.

(iii) Are Psychological Practitioners or Specialists in School Psychology.

Section 3. General Responsibilities in the Supervisory Arrangement.

(a) The Board shall not assume responsibility for establishing supervisory relationships.

(b) A specific plan of supervision must be filed by the supervisor and the supervisee for approval by the Board prior to any delivery of services by the supervisee. The plan shall be individualized for the supervisee, protect the public interest, and increase and/or maintain the supervisee's level of professional skills. A plan of supervision is not required if the supervision relationship was established prior to May 13, 2021.

(c) The plan of supervision must include the following:

(i) A clear definition of the area(s) of practice to be supervised, including the types of activities and the populations served.

(ii) The frequency and times of supervisory sessions and specific areas to be covered, i.e., individual/group psychotherapy, assessments, tests administered, etc., will be determined by the supervising Psychologist.

(iii) The plan shall be signed by both supervisor and supervisee.

(d) Exceptions or modifications to the plan shall be communicated to the Board within thirty (30) days.

(e) Should a supervisor and a supervisee have an unresolved disagreement regarding the plan of supervision, either party may initiate an appeal to the Board for resolution. For specialized areas in which the Board may lack expertise, the Board may appoint a committee of at least two (2) experienced psychology professionals to review the matters in contention and make recommendations to the Board for the Board's decision.

(f) The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards, insuring the welfare of the public, and the ethical and legal protection of the supervision process.

(g) A minimum of 1 hour of face-to-face supervision per week for supervisee licensure applicants who have not previously held a psychology license. There may be special circumstances, e.g., geographical or confirmed physical hardship, when a jurisdiction may consider a variance in the frequency of the supervision sessions while keeping with the principle of 1 hour per week for 20 hours of client or patient contact.

(h) While the Board recognizes that the number of persons supervised by a given Psychologist may vary, the Board reserves the right to require documentation by the Psychologist of the adequacy of supervision when one Psychologist is supervising multiple licensed or certified professionals or applicants for licensure. This rule does not apply to University of Wyoming faculty supervising doctoral students.

(i) The Identity and role of the supervisor should be clearly documented, with the supervisor's signature, in the clinical record of each person served. This is to notify users of the record that the case is being supervised and to acknowledge that the supervisor is aware of the supervisee's work in each case. (The Board does not require co-signature of progress notes; however, co-signature is one option for documenting supervision at the discretion of the supervisor.)

(j) The Board requires the supervisor to be reasonably aware of the professional skills, practices, ethics, and abilities of each person being supervised.

(k) Supervisors may only supervise those areas of practice in which they are competent by virtue of training and experience.

(l) A Psychologist may be disqualified by the Board as a supervisor should he/she fail to provide adequate supervision under the requirements of the Rules and Regulations of the Board.

(m) Supervising Psychologists shall be licensed for the practice of psychology and must be aware of and abide by the ethical principles and statutes pertaining to the practice of psychology in general and to supervision in particular. They shall not permit their supervisee to engage in any psychological practice that they cannot perform competently themselves. The supervisor has the responsibility to interrupt or terminate the supervisee's activities whenever necessary to ensure adequate training and the protection of the public. The supervisor must have at least 2 years of independent practice in the area in which they supervise to qualify as a supervisor and shall demonstrate adequate training, competence and skill to render competently any psychological services the supervisee undertakes. The Board may evaluate the qualifications of any supervisor and take appropriate action.

(n) Supervision sessions shall be documented giving dates, time spent, and nature of the contact with the supervisor.

(o) The supervisor shall allow the supervisee to perform only those functions for which the supervisee has training and experience.

(p) When the post-doctoral work experience occurs in Wyoming (i.e. Psychological Resident), a Supervision Agreement form provided by the Board shall be submitted by the supervisor to the Board specifying the nature of the supervision arrangements and the name, address and telephone number of the supervisor and supervisee. Any changes in the agreement must be submitted in writing within ten (10) days to the Board.

Section 4. Requirements of Supervision.

(a) The licensed Psychologist who provides supervision will be clinically and professionally responsible for the work of the supervisee. The supervisor shall be accessible to the supervisee at any point during the supervisory relationship. The supervisor's relationship with the supervisee shall be separate from that of a consultant, who may be called in at the discretion of the applicant. The consultant will have no clinical or professional accountability for the services provided or for the welfare of the client/patient/consumer.

(b) Public announcement of clinical services and fees, and contact with the lay or professional community shall be offered only in the name of the supervising Psychologist. Titles of applicants must clearly show their supervised status.

(c) Users of the supervisee's services shall be informed of his/her status, and shall be given specific information about his/her qualifications and functions.

(d) Clients/patients/consumers shall be informed that they may meet with the supervising Psychologist at their request or at the request of the service provider or the supervisor.

(e) Setting and receipt of a fee shall remain the sole responsibility of the employing agency or supervising Psychologist.

(f) All written professional reports and communications shall be countersigned by the supervising Psychologist.

(g) The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised.

(h) An ongoing record of supervision shall be maintained that details the types of activities in which the applicant is engaged.

(i) Supervisors shall complete quarterly Supervision Report Forms. Supervisors shall maintain Supervision Report Forms for no less than five (5) years. Supervisors shall make Supervision Report Forms available to the Board upon request from the Board or an application or discipline committee.

(j) The supervisor shall keep records that will verify the training and evaluation of the supervisee, including the exact nature and number of hours of supervision and the exact nature and number of hours of acceptable post- doctoral supervised professional experience.

(k) Following five (5) years of supervised experience as a certified psychological practitioner or certified specialist in school psychology, the required supervision by a psychologist

may be reduced, as appropriate, to a minimum of weekly consultation with one (1) hour of face-to-face individual supervision provided on a monthly basis.

Section 5. Board Review. Failure of the supervisee or supervisor in the supervisory relationship to comply with these requirements and responsibilities shall be subject to Board review and possible disciplinary action.

Section 6. Supervision – BCaBA.

- (a) Supervisors must be one of the following:
 - (i) A licensed BCBA without current disciplinary sanctions who is certified by the BACB;
 - (ii) A licensed psychologist certified by the American Board of Professional Psychology in Behavioral and Cognitive Psychology who was tested in applied behavior analysis.
- (b) Ongoing supervision must comprise at least two percent (2%) of the total behavior-analytic service hours provided per month.
- (c) The BCaBA and supervisor must meet at least once during each month in which the BCaBA provides behavior-analytic services.
- (d) Supervision may include a combination of group and individual supervision, multiple supervisors, and multiple observation methods.

CHAPTER 15

ETHICS

Section 1. Authority and scope; violations.

- (a) The Board has the authority to promulgate these rules under Wyo. Stat. Ann. § 33-27-116(b).
- (b) These rules govern the conduct of psychologists and applicants for licensure whenever they provide psychological services in any context.
- (c) These rules do not supersede state or federal statutes regulating the practice of psychology.
- (d) Violating any provision of this chapter constitutes unprofessional conduct and is sufficient grounds for disciplinary action.

Section 2. Definitions.

- (a) “Client” means:
 - (i) A person who directly receives psychological services in the context of a professional psychologist-client relationship, including a child, adolescent, adult, couple, family, group, organization, community, or other populations, or other entities that receive psychological services.
 - (ii) An individual or entity that requests psychological services on behalf of another.
 - (iii) An organization that receives services directed primarily to the organization, rather than individuals associated with the organization.
 - (iv) An individual who has a legal guardian, including minors and legally incompetent adults, with respect to issues that directly affect the physical or emotional safety of the individual or any issues the legal guardian agrees are specifically reserved to the individual.
- (b) “Confidential information” means information a client reveals or a psychologist otherwise obtains when a client has a reasonable expectation that, because of the relationship between the client and the psychologist or the circumstances under which the information is revealed or obtained, the psychologist shall not disclose the information without the client’s informed written consent.
- (c) “Court order” means a written or oral communication from a judge or administrative official when such authority has been lawfully delegated to the judge or administrative official.
- (d) “Licensed” means having a license issued by the Board or by another state’s psychology regulator.

(e) “Professional relationship” means a mutually-agreed upon relationship between a psychologist and a client or clients for the purpose of the client or clients being provided psychological services, or obtaining the psychologist’s professional expertise, or both.

(f) “Professional service” means any action a psychologist provides in the context of a professional relationship.

(g) “Supervisee” means any person who provides or trains to provide psychological services under a psychologist’s license.

(h) “Telepsychology” means the delivery of psychological services using telecommunication technologies. Telecommunication technologies includes, but is not limited to, synchronous (i.e., live and real-time interaction, e.g., videoconferencing, audio-only telephone) and asynchronous (i.e., store-and forward non-live; e.g., text, email, messaging program, data-tracking smartphone applications) methods of fostering healthcare-related communication and transmission of healthcare-related information. Transmitted information may include text, image, audio, interactive videoconferencing, remote patient monitoring, or other data related to patient care. Technologies may be used independently or in combination. Technologies may be used as a sole service delivery method, or to supplement or augment in-person practices for a hybrid service. This includes the practice of mental health care delivery, diagnosis, consultation, treatment, and supervision.

Section 3. Rules of Conduct.

(a) Competence.

(i) Psychologists shall limit practice and supervision to their areas of competence in which they have gained proficiency through education, training, and experience.

(ii) Psychologists shall maintain competency in the areas in which they practice through continuing professional development, consultation, or other procedures, conforming with current standards of scientific and professional knowledge and the Board’s rules.

(iii) Psychologists shall accurately represent their areas of competence, education, training, experience, and professional affiliations.

(iv) When developing competency in a service or technique, psychologists shall seek appropriate education and training in the new area and consult with other psychologists or relevant professionals. Psychologists shall inform clients when they are engaging in an innovative service and the known risks associated with such services.

(v) Psychologists shall recommend or refer clients to other professional, technical, or administrative resources when referral is clearly in the best interests of the client.

(vi) A psychologist shall not render a formal professional opinion about a person without direct and substantial professional contact with, or a formal assessment of, that person.

(vii) Psychologists shall maintain and retain records according to the following principles:

(A) Psychologists that render professional services to individual clients or dependents, or bill services to a third-party payor, shall maintain professional records that include:

(I) The name of the client and other pertinent identifying information;

(II) The presenting problems or reasons for providing services or diagnosis;

(III) The fee arrangement;

(IV) The date and substance of each billed or service-count contractor service;

(V) Any test results or other evaluative results and any basic test data from which test results were derived;

(VI) Notation and results of formal consultations with other providers;

(VII) Any communications through any medium;

(VIII) A copy of all testing or other evaluative reports the psychologist prepared as part of the professional relationship.

(B) Psychologists shall maintain all data entries in professional records for not less than five years after the last date that service was rendered or the records were accessed, whichever is later, or for a longer period if required by law. This includes any releases the client executes to meet the requirements of this rule.

(C) If a psychologist provides psychological services to minors, the psychologist shall maintain those records at least until the minor reaches the age of majority plus five years, or for a longer period if required by law.

(D) Psychologists shall store and dispose of records, regardless of their format or the media in which they are maintained, in such a manner as to ensure they remain confidential.

(I) Psychologists shall retain documentation of any records that are destroyed.

(II) Psychologists shall maintain the confidentiality of all records in their possession or under their control, except as otherwise provided by law or pursuant to a client's specific written or signed authorization to release the record.

(E) Psychologists shall provide for the confidential disposition of records in compliance with these rules in the event of the psychologist's retirement, incapacity, or death.

(F) Psychologists shall maintain records that shall include the type, place, and general content of supervision sessions for each person they professionally supervise for not less than five years after the last date of supervision.

(viii) Psychologists shall make arrangements for another appropriate professional or professionals to meet the emergency needs of their clients, as appropriate, during periods of their foreseeable unavailability.

(ix) Psychologists shall exercise appropriate supervision over supervisees, as set forth in Chapter 12 of these rules.

(x) Psychologists shall not delegate professional responsibilities to a person not appropriately licensed or otherwise qualified to provide such services.

(b) Multiple relationships.

(i) For purposes of these rules, “multiple relationship” means a psychologist’s previous or previous familial, social, emotional, financial, supervisory, political, administrative, or legal relationship with a client or a relevant person associated with or related to the client.

(ii) Psychologists shall take reasonable steps to ensure that if a multiple relationship occurs, it is not exploitative of a client or a relevant person associated with or related to the client.

(iii) A multiple relationship that is exploitative of a client or a relevant person associated with or related to the client is prohibited.

(iv) A multiple relationship that would not reasonably be expected to impair a psychologist’s judgment or objectivity or risk harm to a client or relevant person associated with related to the client are not prohibited.

(c) Sexual relationships.

(i) Psychologists shall not terminate professional relationships to circumvent these rules.

(ii) Psychologists shall not engage in sexual intimacies of any kind with current clients.

(iii) Psychologists shall not engage in sexual intimacies of any kind with individuals they know to be close relatives of a current client or guardians of a current client or with any other person who has a significant relationship with a current client.

(iv) Psychologists shall not accept as clients any person with whom they have engaged in sexual intimacies of any kind.

(v) For two years after the last date psychologists provided psychological services of any kind to a client, psychologists shall not engage in sexual intimacies of any kind with former clients.

(vi) For two years after the last date psychologists provided psychological services to a client, psychologists shall not engage in sexual intimacies of any kind with individuals they know to be close relatives of a former client, guardians of a former client, or anyone else who has had a significant relationship with a former client, including, but not limited to, performing an assessment or rendering counseling, psychotherapeutic, or other professional psychological services.

(vii) The prohibitions set out in subsections (v) and (vi) of these rules shall extend indefinitely if the client is vulnerable, by reason of an emotional or cognitive disorder, to exploitation or influence by the psychologist.

(viii) Psychologists shall not engage in sexual intimacies of any kind with any student, trainee, intern, or resident for whom the psychologist has, or is likely to have, evaluative authority.

(d) Impairment. Psychologists shall not undertake or continue a professional relationship with a client when the psychologist is, or the board could reasonably expect the psychologist to be, impaired due to mental, emotional, cognitive, psychological, pharmacological, substance abuse, or induced conditions. If such a condition develops after a psychologist initiates a professional relationship, the psychologist shall terminate the relationship in an appropriate manner, notify the client in writing of the termination, and assist the client in obtaining services from another professional.

(e) Client welfare.

(i) Psychologists shall obtain informed consent from clients prior to providing psychological services.

(A) Psychologists shall give a truthful, understandable, and appropriate account of the client's condition to the client or to those responsible for the client's care.

(B) Psychologists shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freely choose regarding the services provided.

(ii) Psychologists shall terminate a professional relationship when it is reasonably clear that the client is not benefitting from the relationship, or if mutually agreed upon goals have been met, and shall prepare the client appropriately for such termination if feasible. Psychologists may terminate a professional relationship when the client or a person associated with or related to the client threatens or otherwise endangers them. When terminating professional services, psychologists shall offer to help locate alternative sources of professional services of assistance if feasible.

(iii) Psychologists shall not impose any stereotypes regarding behavior, values, or roles related to age, gender, religion, race, disability, nationality, sexual orientation, or diagnosis on any client.

(iv) Psychologists shall not induce, pressure, or coerce clients to solicit business on the psychologists' behalf.

(v) Psychologists shall refer clients to another professional when a client requests referral if feasible.

(vi) Psychologists shall not engage in any verbal or physical behavior with clients which is seductive, demeaning, harassing, or exploitative in any way.

(f) Welfare of supervisees, research participants, and students.

(i) Psychologists shall not engage in any verbal or physical behavior with supervisees which is seductive, demeaning, harassing, or exploitative in any way.

(ii) Psychologists shall not engage in any verbal or physical behavior with research participants which is seductive, demeaning, harassing, or exploitative in any way. Psychologists shall respect the dignity and protect the welfare of their research participants and shall comply with all relevant statutes and administrative rules concerning research participant treatment.

(iii) Psychologists shall not engage in any verbal or physical behavior with students that is seductive, demeaning, harassing, or exploitative in any way.

(g) Protecting client confidences.

(i) Psychologists shall safeguard confidential information they obtain in the course of their practice, teaching, research, or other professional services. Psychologists shall disclose confidential information to others only with the informed consent of their clients unless otherwise required or permitted by law or these rules.

(ii) Psychologists may disclose confidential information without the informed consent of a client when the psychologist determines that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm that the client will inflict on the client themselves or on another person. Psychologists shall limit disclosure of otherwise confidential information only to those persons necessary to protect the client or the person threatened. When the client is an organization, business, or other similar entity, the psychologist shall only disclose confidential information after the psychologist has made a reasonable attempt to have any threat of harm corrected within the organization.

(iii) When more than one party has an appropriate interest in the professional services a psychologist renders, prior to rendering professional services, the psychologist shall clarify to all parties involved the psychologist's duties related to keeping client information confidential and the psychologist's professional responsibility with respect to those services. In particular, psychologists shall clarify the psychologist's duties and responsibilities when the client is a minor or an organization, business, or other similar entity.

(iv) When a psychologist renders services to more than one client during a session, at the beginning of the professional relationship, the psychologist shall clarify to all parties involved the manner by which the psychologist will address confidential information. The psychologist shall give all parties an opportunity to discuss and accept whatever limitations to confidentiality may attach to the professional relationship.

(v) When a psychologist renders services to a legally dependent client, the psychologist shall inform the legal dependent of any limits the law imposes on the dependent's right to confidentiality with respect to their communications with the psychologist. The psychologist shall provide such information to the extent possible in language the legal dependent can understand.

(vi) Psychologists shall limit access to client records to preserve their confidentiality. Psychologists shall ensure that all persons working under their authority shall comply with requirements for confidentiality of any client records.

(vii) Psychologists shall comply with any relevant law regarding reporting child abuse or vulnerable population abuse.

(viii) When rendering professional services as part of a team, or when interacting with other appropriate professionals concerning a client's welfare, psychologists may share confidential information provided that the psychologist takes reasonable steps to inform all persons receiving confidential information about the confidential nature of the information and ensure that the persons abide by rules to maintain the information's confidentiality. Psychologists shall disclose confidential information under this subsection only to the extent necessary to render professional services.

(ix) When a psychologist uses information from otherwise confidential records for teaching, research, publication, or any other public or professional purpose, the psychologist shall ensure that the information has been redacted to prevent client identification.

(x) Psychologists shall not record or allow others to observe a client without the client's informed written consent.

(xi) After a psychologist terminates a professional relationship with a client or a client dies, the psychologist shall continue to treat any information regarding that client as confidential.

(h) Representation of services.

(i) Psychologists shall display their current Wyoming license to practice psychology on the premises of their professional practice site.

(ii) Psychologists shall not misrepresent their professional qualifications, either directly or by implication.

(iii) Psychologists shall not misrepresent their affiliations or the purposes or characteristics of institutions or organizations with which they are affiliated, either directly or by implication.

(iv) Psychologists shall not include false or misleading information in public statements about the professional services they offer.

(v) Psychologists shall not associate with or permit their name to be used in connection with any services or products in such a way as to misrepresent the services or products,

the degree of the psychologist's responsibility for the services or products, or the nature of the psychologist's association with the services or products.

(vi) Psychologists shall correct others who misrepresent the psychologist's professional qualifications or affiliations. When a psychologist becomes aware of false or misleading public information about the psychologist or their credentials, qualifications, or services, the psychologist shall make all reasonable attempts to correct the information, including displaying corrected information in a public medium.

(i) Fees and statements.

(i) As early as feasible in a professional relationship, psychologists shall inform the person who receives psychological services and the client how the psychologist is compensated and the client is billed.

(ii) Psychologists shall not exploit clients by charging excessive fees or entering into an exploitative bartering arrangement.

(j) Assessment procedures.

(i) When a psychologist assesses a person, the result or interpretation of any assessment is confidential information.

(ii) When communicating the results of an assessment to a client or the person who receives the assessment, the psychologist shall appropriately interpret or explain the results so that the client or person may understand and make decisions based on the results.

(iii) When reporting the results of a formal assessment procedure for which norms are available, the psychologist shall report limitations in the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability, or interpretation of the results.

(iv) Psychologists shall not reproduce or describe in publications, lectures, presentations, or any other public disclosures any psychological tests or assessment measures or devices in ways that might compromise their security.

(v) Psychologists offering an assessment procedure or automated interpretation service to other professionals shall accompany that offer with a manual or other printed material that fully describes how the procedure or service was developed, the procedure's or service's rationale, evidence that shows the procedure's or service's validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which the psychologist recommends the procedure or service and identify special qualifications to administer and interpret the procedure or service properly. The psychologist shall ensure that any advertisement for the procedure or service is factual and descriptive.

(k) Violations of law.

(i) Psychologists shall not violate any applicable statute or rule regulating the practice of psychology.

- (ii) Psychologists shall not use fraud, misrepresentation, or deception to:
 - (A) Obtain a psychology license;
 - (B) Take a psychology licensing examination;
 - (C) Assist another individual to obtain a psychology license or take a psychology licensing examination;
 - (D) Bill clients or third-party payors;
 - (E) Provide psychological services;
 - (F) Report the results of psychological evaluations or services; or
 - (G) Conduct any other activity related to the practice of psychology.
- (l) Aiding unauthorized practice.
 - (i) Psychologists shall not aid or abet another person in misrepresenting their professional credentials or illegally engaging in the practice of psychology.
 - (ii) Psychologists shall not delegate professional responsibilities to a person not appropriately licensed or otherwise qualified to provide such services.
- (m) Reporting suspected violations.
 - (i) If a psychologist has reason to believe that another person has violated the Board's rules or practice act and that the violation may reasonably be expected to harm a client, the psychologist may report such a violation to the Board. Unless otherwise required by law, the psychologist may only provide the client's name with the written consent of the client.
 - (ii) When a client informs a psychologist of a possible violation of the Board's rules or practice act, or when a client asks how to file a complaint with the Board, the psychologist shall inform the client of the standards of practice of psychology relevant to the violation or complaint and how to file a complaint with the Board.
- (n) Telepsychology.
 - (i) Psychologists using telepsychology shall be held to the same standard of care as in-person services. This includes the requirement to meet clinical, confidentiality, technical, and ethical standards as required by law.
 - (ii) Psychologists shall be aware of the potential impact of the use of telepsychology on clients. Psychologists shall assess and understand the limitations and appropriateness of telepsychology services for each individual client.
 - (iii) Psychologists practicing telepsychology shall take reasonable steps to protect and maintain the confidentiality of data and information relating to their clients/patients.

(iv) Psychologists shall consult with technology experts in order to apply adequate security measures in their practice to protect and maintain confidentiality.

(v) Psychologists shall not provide telepsychology when either party is in a setting where the confidentiality of the session could be expected to be compromised.

(vi) Psychologists shall take reasonable steps to ensure they are competent with the technology, and provide only services for which they are competent.

(vii) Psychologists shall continually assess their professional and technical competence when providing telepsychology and receive continuing education, training and consultation specifically related to technology and address changing technology used in telepsychology practice.

(viii) Psychologists providing telepsychology shall complete telehealth training. The training shall include state and federal laws relating to telepsychology, liability, informed consent, and issues relating to technology and confidentiality.

(ix) Psychologists who provide telepsychology services shall make reasonable efforts to dispose of personally identifiable information, including protected health information data.

(x) Before providing telepsychology services, Psychologists shall obtain written informed consent of the client. Informed consent shall state the following:

(A) The client understands the limitations of telepsychology services, and that therapy may be hindered as a result of the remote services offered;

(B) The client understands the issues and potential risks surrounding the confidentiality and security of client information when telepsychology technologies are used;

(C) Clarification of boundaries that are established and observed, and how to respond to routine electronic communications;

(D) Client and counselor define the steps for emergency services based on their local resources. Obtain the name and contact information for emergency contacts; and

(E) Potential risk of sudden disruption of telepsychology services, and how to reestablish communication in the event of a technology failure.

(xi) For any administration of psychological testing and assessment, psychologists shall consider the unique issues that may arise the test instruments and assessment approaches.

Section 4. BCBA and BCaBA. BCBAAs and BCaBAAs shall adhere to the “Ethics Standards” published by the BACB and as incorporated by reference in Chapter 1 of these rules.

CHAPTER 16

PRACTICE AND PROCEDURES FOR APPLICATIONS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116 and 16-3-103(j)(i).

Section 2. Application Review.

- (a) Assigning Application Review Committee (ARC).
 - (i) Board staff shall review all applications for a license.
 - (ii) When Board staff determines that there may be grounds to deny a license or approve a license subject to discipline or restrictions, Board staff shall refer the application to an ARC.
- (b) The ARC shall investigate the application, which may include requesting additional information, meeting with the applicant, or any other action the ARC deems appropriate.
- (c) The ARC may recommend that the Board:
 - (i) Issue, renew, relicense, or reinstate a license;
 - (ii) Issue, renew, relicense, or reinstate a license subject to reprimand, conditions, restrictions, or other disciplinary action;
 - (iii) Approve a settlement agreement; or
 - (iv) Deny the application.
- (d) Notice of Intent.
 - (i) If the ARC intends to recommend that the Board deny an application or issue a license subject to other disciplinary action, the ARC shall notify the applicant of its recommendation.
 - (ii) The Notice of Intent shall contain:
 - (A) A brief description of the facts or conduct that the ARC alleges warrant denying the license or issuing the license subject to disciplinary action;
 - (B) Citations to the applicable statutory provisions or Board rules that the ARC alleges the applicant violated; and

(C) Notice that an applicant may request a hearing before the Board in writing within thirty (30) days from the date of mailing.

(e) The applicant shall have thirty (30) days from the date the ARC mailed the Notice of Intent to respond. The applicant may:

- (i) Request that the Board hold a hearing on the ARC's recommendation;
- (ii) Request that the Board table consideration of the application; or
- (iii) Withdraw the application.

(f) If an applicant fails to timely respond to the Notice of Intent, the Board may accept the ARC's recommendation.

(g) There shall be a presumption of lawful service of any communication required by these rules if sent by U.S. mail to the address stated on the application or, if applicable, an updated address later provided by the applicant.

Section 3. Hearing Procedure.

(a) Upon receiving a written request for a hearing from an applicant, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing on the applicant at least 30 days before the hearing. The Notice of Hearing shall contain:

(i) A brief statement of the matters asserted, including:

(A) The ARC's recommendation;

(B) The facts upon which the recommendation is based; and

(C) The statutory provisions or Board rules the applicant is alleged to have violated or failed to meet to qualify for licensure.

(ii) The time, place, and nature of the hearing;

(iii) The legal authority and jurisdiction of the Board; and

(iv) Notice of the burden and standard of proof.

(b) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(c) The applicant shall bear the burden to prove by a preponderance of the evidence that he or she meets the qualifications for licensure. The burden of production shall shift to the

ARC to prove by clear and convincing evidence that the applicant should not be granted an unrestricted license or license subject to discipline. The burden of production then shifts to the applicant to demonstrate that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient and that the applicant is entitled to licensure.

(d) The Board may resolve an application matter by:

(i) Adopting the ARC's recommendation without a hearing if the applicant did not request a hearing;

(ii) Resolving a dispositive motion in either party's favor;

(iii) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, reactivation, or reinstatement.

(e) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the applicant and the applicant's attorney or representative, if any.

(i) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(ii) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

CHAPTER 17

PRACTICE AND PROCEDURES FOR DISCIPLINE MATTERS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116 and 16-3-103(j)(i).

Section 2. Complaint Review and Disciplinary Investigation.

(a) Complaints that a licensee has violated the Board's practice act or the Board's rules shall be submitted to the Board's office. Board staff may initiate complaints.

(b) After receiving a complaint or initiating a complaint, Board staff shall assign the complaint to an Investigation Committee (IC) for investigation.

(c) After reviewing and investigating the complaint, the IC may recommend that the Board:

- (i) Dismiss the complaint;
- (ii) Summarily suspend a license;
- (iii) Approve a settlement agreement; or
- (iv) Discipline the licensee, including suspension, revocation, or probation.

Section 3. Summary Suspension.

(a) An IC may recommend that the Board summarily suspend a license at any time when the IC or Board staff believes that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(b) The IC shall notify the licensee of its intent to recommend summary suspension. The Notice of Intent shall contain:

- (i) A copy of the complaint, if any;
- (ii) A description of the grounds for the summary suspension recommendation;

and

(iii) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) When the date and time of the summary suspension hearing is set, the Board staff shall notify the licensee of the date and time of the proceeding by mailing written notice and emailing electronic notice to the licensee's mailing and email addresses.

(d) The scope of the expedited summary suspension proceeding shall be limited to a presentation of the information the IC believes warrants summary suspension and any information the licensee may present on his or her behalf.

(e) Hearing Format.

(i) The IC shall describe the allegations that it believes warrant emergency action against the licensee.

(ii) The IC shall present information that demonstrates probable cause that the allegations are true.

(iii) The IC shall explain why the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(iv) The licensee, if present, may present any information demonstrating that the allegations are not true or that, even if the allegations are true, the licensee's continued practice does not imperatively require emergency action to protect the public health, safety, or welfare.

(f) The Board may order summary suspension if it concludes that probable cause exists that the allegations are true and that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

(f) No summary suspension shall be effective until the Board has adopted a written order incorporating the reasons justifying its decision.

(h) The Board shall enter a written order granting or denying summary suspension at the summary suspension proceeding or within seven days after the proceeding. The Board shall send the order to the licensee by U.S. mail and by email.

(j) Post-Deprivation Hearing.

(i) A licensee may request a post-deprivation hearing within ten days from the date the summary suspension order is entered.

(ii) If a licensee requests a post-deprivation hearing, the Board shall conduct it within 30 days of the licensee's request and notify the licensee of the date, time, and location of the hearing.

(iii) Post-deprivation hearings shall be conducted in the same manner as summary suspension proceedings as articulated in Section 3 (e) of this chapter. The sole issue before the Board at a post-deprivation hearing shall be whether the IC's allegations imperatively require emergency action to protect the public health, safety, and welfare. The Board shall affirm its decision to summarily suspend a license, and issue a written order to that effect, if it concludes that the IC has proven the allegations by a preponderance of the evidence and that the allegations imperatively require emergency action to protect the public health, safety, or welfare.

(k) Unless earlier terminated by the Board or a petition for discipline is filed under Section 5 of this chapter, summary suspensions shall lapse 180 days after the written order granting summary suspension is entered under subsection (h) of this section.

Section 4. Surrender in Lieu of Discipline and Licenses Issued in Error.

(a) A licensee may petition the Board, in writing, to voluntarily surrender a license in lieu of discipline.

(i) The IC shall recommend that the Board approve or deny the petition.

(ii) The Board may approve or deny the petition.

(b) If Board staff has reason to believe that a license has been issued despite an applicant not meeting licensure requirements and:

(i) If Board Staff has issued the license and the Board has not ratified its issuance, the license shall be rescinded and the matter shall be referred to an ARC.

(ii) If Board Staff has issued the license and the Board has ratified its issuance, the matter shall be referred to an IC.

(A) The IC may petition the Board to revoke the license or impose practice restrictions according to the procedures outlined in Section 5 of this chapter and may seek summary suspension.

(B) A revocation solely for the reasons specified in this subsection shall not be considered license discipline. Nothing in this subsection prohibits discipline or application denial for a licensee's conduct.

(C) A licensee may surrender the license at issue under this provision in lieu of a hearing before the Board without Board approval.

Section 5. Hearing Procedure.

(a) There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these rules if sent by U.S. mail to the address the licensee most recently supplied to the Board.

(b) The IC shall notify the licensee of its intent to file a petition for disciplinary action. The Notice of Intent shall:

(i) Include a brief description of the facts or conduct that warrant the intended action;

(ii) Include a description of the nature of the discipline the IC intends to seek;
and

(iii) Provide the licensee no less than 30 days to show that the licensee has complied with all lawful license requirements.

(a) The IC shall initiate proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(b) A licensee may respond to the Petition by filing an Answer admitting or denying the allegations in the Petition or by filing a dispositive motion.

(c) A licensee shall respond to a Petition within (20) days from the date the Petition is filed with the Board office or, if the licensee files a dispositive motion, from the date the dispositive motion is decided by entry of a written order. Failure to respond to the Petition within this time may result in a default judgment.

(d) When a petition for disciplinary action is filed, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing, with the Petition attached, on the applicant at least 30 days before the hearing. The notice of hearing shall contain:

- (i) The legal authority for the Petition and statement of the Board's jurisdiction;
- (ii) The facts justifying the disciplinary action sought;
- (iii) The statutory provisions or Board rules the licensee is alleged to have violated;
- (iv) The time, place, and nature of the hearing; and
- (v) Notice of the burden and standard of proof.

(e) If a licensee fails to timely answer the allegations in a Petition or appear at a noticed hearing, and upon the IC's motion, the Board may enter default against the licensee. In entering default, the Board may:

- (i) Order that the factual allegations in the Petition are to be taken as true for the purposes of the hearing;
- (ii) Order that the licensee may not present evidence on some or all issues in the matter; or
- (iii) Any other relief the Board determines is just.

(f) The Board may set aside an entry of default for good cause.

(g) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure

Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(h) The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Board's practice act or the Board's rules.

(j) The Board may resolve a discipline matter by:

(i) Resolving a dispositive motion in either party's favor;

(ii) Accepting a settlement agreed on by both parties;

(iii) Granting a licensee's petition for voluntary surrender in lieu of discipline under Section 4 of this Chapter;

(iv) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may, as applicable:

(A) Find no violation of the Board's practice act or rules and therefore impose no discipline on the licensee;

(B) Find that the licensee has violated the Board's practice act or rules and impose the following discipline:

(1.) Attach restrictions to the license or certificate;

(2.) Revocation;

(3.) Suspension.

(k) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the licensee and the licensee's attorney or representative, if any.

(l) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(m) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

Section 6. Petition for Modifying Conditions or Restrictions.

(a) A licensee may petition the Board to modify any conditions or restrictions on his or her license. The licensee shall submit a written petition for modification to the Board office. The petition for modification shall include evidence demonstrating:

(i) Compliance with all previously entered Board orders;

(ii) That the modification is consistent with any treatment plan or medical orders, if applicable; and

(iii) That the modification will ensure the public is adequately protected.

(b) The IC assigned the matter shall review the petition and shall recommend that the Board either grant or deny the petition within 30 days of the Board office receiving the petition.

(c) Board Consideration.

(i) The Board shall consider the petition and the IC's recommendation at its earliest convenience.

(ii) The Board may approve or deny the petition for modification.

CHAPTER 18

CONTINUING EDUCATION

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116(j).

Section 2. Continuing Education Requirements for Psychologists, Psychological Practitioners, and Specialists in School Psychology.

(a) Each licensee and certificate holder shall complete forty (40) approved continuing education (CE) hours every two (2) years. The period to obtain the CE hours may be extended by the Board if the licensee or certificate holder shows good cause.

(b) CE hours shall be earned as follows:

(i) Each licensee and certificate holder shall complete at least three (3) CE hours in ethics, and three (3) CE hours in Risk Assessment every two (2) years.

(A) APA or NASP approval is not required for ethics and Risk Assessment CE hours.

(B) Risk Assessment includes learning about harm to self, harm to others, an inability to care for one's self, or a combination thereof.

(ii) At least ten (10) of the forty (40) required CE hours shall be APA or NASP approved courses. The remaining CE hours may be satisfied from Section (iii) below or may be earned by taking APA or NASP approved courses.

(iii) Remaining CE hours may be earned through the following:

(A) Taking a course approved by any state's psychology association;

(B) Teaching a graduate or undergraduate course in the field of psychology for the first time (maximum of 20 CE hours); 1 college course is equivalent to 10 CE hours.

(C) Taking a regionally accredited, graduate level, psychology course (maximum of 20 CE hours). One college credit is the equivalent of seven (7) CE hours.

(D) Conducting a psychology related presentation (maximum of 20 CE hours);

(I) A full-day presentation is a minimum of six (6) hours in duration and eligible for ten (10) CE hours;

(II) A half-day presentation is a minimum of three (3) hours in duration and is eligible for a maximum of five (5) CE hours.

(E) Having served for at least one (1) year on the Board of Psychology, as an elected office holder of a state psychological association, in a recognized role of a national psychology body, or similar (10 CE hours per year; maximum 20 CE per CE cycle);

(F) Participation of at least one (1) year in community mental health boards, including participation on hospital boards, in local National Alliance on Mental Illness (NAMI) chapters, suicide awareness or prevention boards, or similar (5 CE hours per year; maximum 10 CE per renewal cycle);

(G) Publication in a PR journal or book; or publication of a chapter in an academic psychology book. One publication is the equivalent of ten 10 CE hours (maximum 10 CE hours per CE cycle);

(H) Reading professionally related books. One book is the equivalent of one CE hour (maximum of 5 CE hours).

(c) Notwithstanding subsections (a) and (b), becoming ABPP Board Certified shall satisfy the full forty (40) hour CE requirement. This option may only be used once during the time the licensee or certificate holder is licensed or certified in Wyoming. for one renewal period.

(d) Licensees and certificate holders shall provide documentation justifying the completion of all CE hours and how they relate to the practice of psychology.

(e) Effective June 30, 2026 all CE hours must be earned in the two (2) years prior to a licensee's or certificate holder's renewal.

Section 3. Failure to Satisfy Continuing Education Requirements.

(a) A licensee or certificate holder who has not completed forty (40) CE hours in the preceding two (2) years may request an extension of time with the Board. The extension request must be made at least forty-five (45) days prior to expiration of the license or certificate requesting an extension of time.

(b) The Board may grant the extension if the licensee or certificate holder demonstrates that:

(i) Adherence to the rule would be unduly burdensome to the licensee or certificate holder for reasons of health, disability, family emergency, or extreme financial hardship;

(ii) Waiver of the rule would not injure third persons; and

(iii) Waiver is necessary due to factors outside the control of the licensee or certificate holder.

APPENDIX A

WYOMING STATE BOARD OF PSYCHOLOGISI'S LICENSING ACT

W.S. 33-27-101 BROUGH 33-27-112

REPEALED

APPENDIX B

Ethical Principles of Psychologists and Code Of Conduct
2002

REPEALED

CHAPTER 1

GENERAL PROVISIONS

~~**Section 1.** — **Statement of Purpose.** The Wyoming State Board of Psychology Rules and Regulations are set forth for the purpose of interpreting and implementing W.S. 33-27-113 through 33-27-125, establishing the Board and conferring upon it the responsibility for licensing psychologists, behavior analysts, and assistant behavior analysts, certifying psychological practitioners and specialists in school psychology, and regulating the practice of psychology and behavior analysis in the State of Wyoming.~~

~~**Section 2.** — **Citation.** The Wyoming State Board of Psychology Rules and Regulations shall be hereafter referred to as the “Rules”. The Wyoming State Board of Psychology shall be hereafter referred to as the “Board”.~~

Section 31. **Regulatory Authority.** These rules and regulations are promulgated by the Wyoming Board of Psychology pursuant to their authority under the Psychology Licensing Act, authority of W.S. Wyoming Statute 33-27-113 through 33-27-125.

~~**Section 4.** — **Severability.** If any provisions of these Rules or the application thereof to any individual or circumstance is invalid, such invalidity shall not affect other provisions or application of these Rules which can be given effect without the invalid provision or application, and to this end the provisions of these Rules are declared to be severable.~~

Section 52. **Terms Defined by Statute.** Terms defined in W.S. 33-27-113 through 33-27-125 shall have the same meanings when used in these Rules unless the context or subject matter clearly requires a different interpretation.

Section 63. **Terms Defined Herein.** As used in these Rules, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

- (a) APA - American Psychological Association
- (b) ASPPB - Association of State and Provincial Psychology Boards
- (c) BACB – Behavior Analyst Certification Board
- (d) BCBA – Board Certified Behavior Analyst certified by the BACB_
- (e) BCaBA – Board Certified Assistant Behavior Analyst certified by the BACB
- (f) EPPP - Examination for Professional Practice in Psychology
- (g) NASP - National Association of School Psychologists

- (h) NCSP - Nationally Certified School Psychologist
- (i) NSPE - National School Psychology Examination
- (j) WPA - Wyoming Psychological Association
- (k) WSPA - Wyoming School Psychology Association

(l) “Psychological Trainee” means a person who holds a bachelor’s degree in psychology or related field, is pursuing an advanced degree in psychology, and is receiving practical experience under the supervision of a licensed psychologist.

(m) “Psychological Intern” means a person who holds a master's degree in psychology, is enrolled in a doctoral program, and is receiving practical experience under the supervision of a licensed psychologist.

(n) “Psychological Resident” means a person who holds a doctoral degree from a regionally accredited institution, who has joined the staff of an entity that provides psychological services as an employee to meet the experience requirement.

(o) “Regionally accredited” means accredited by one of the regional or national institutional accrediting bodies recognized by the Council for Higher Education Accreditation (CHEA).

(p) “Substantially equivalent” means equal to or exceeds.

Section 74. Board. The Board shall elect a Chairman and Vice-chairman at its annual meeting ~~to be held the first Friday~~ in November. The Board may meet at other times as deemed necessary to transact business.

Section 85. Incorporation by Reference. The Board hereby incorporates by reference the following:

(a) Each rule and code incorporated by reference is further identified as follows:

(i) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, available at <http://rules.wyo.gov>.

(ii) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, available at <http://rules.wyo.gov>.

(iii) Ethics Standards as updated by the BACB effective ~~March 2022~~ August 2024, available at <https://psychology.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board office and available for public inspection and copying at cost at the same location.

CHAPTER 4

APPLICATION PROCEDURES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-117 and 33-27-124.

Section 2. Application Status.

(a) Applications shall be deemed “complete” when all necessary documentation has been received by the Board office.

(b) An applicant has one (1) year from the date of initial submission to complete their application. An application that is not completed during the one (1) year period shall expire and the applicant must submit a new application, including fingerprint cards and payment of all required fees.

Section 13. Psychologist License Application Requirements.

(a) Regular. Applicants for a regular license that do not meet the requirements for a license by endorsement shall submit the following:

- (i) A completed application form as provided by the Board;
- (ii) Official transcripts from each college or university attended sent directly to the Board by the respective college or university;
- (iii) Official verification of EPPP exam scores sent directly to the Board from the exam administrator;
- (iv) Supervised Pre-Doctoral Experience Verification form as provided by the Board documenting the nature of the supervised experiences and sent directly to the Board by the doctoral program training director;
- (v) Supervised Pre-doctoral Internship Experience verification form as provided by the Board documenting the nature of the supervised experiences and sent directly to the Board by the internship supervisor or institution or site;
- (vi) Supervised Post-Doctoral Work Experience Verification form as provided by the Board documenting the nature of the supervised experiences and sent directly to the Board by the supervisor, if required;
- (vii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

- (viii) All appropriate fees;
 - (ix) Proof of Lawful Presence in the United States; and
 - (x) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).
- (b) Temporary. A temporary license is non-renewable and limited to two (2) per applicant. Every applicant for temporary licensure shall submit:
- (i) A completed application form as provided by the Board;
 - (ii) License verification from a state where the applicant is currently licensed, sent directly to the Board by the appropriate regulatory body;
 - (iii) All appropriate fees;
 - (iv) Proof of Lawful Presence in the United States; and
 - (v) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).
- (c) Endorsement. Applicants for a license by endorsement shall submit:
- (i) A completed application form as provided by the Board;
 - (ii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;
 - (iii) All appropriate fees;
 - (iv) Proof of Lawful Presence in the United States; and
 - (v) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

Section 24. Certificate.

- (a) Psychological Practitioner. Every applicant for certification must submit:
- (i) A completed application form as provided by the Board;
 - (ii) Official transcripts from each college or university attended sent directly to the Board by the respective college or university;

(iii) Official verification of EPPP exam scores sent directly to the Board from the exam administrator;

(iv) Supervised Practicum or Internship Verification form as provided by the Board documenting the nature of the supervised experiences and sent directly to the Board by the practicum or internship supervisor or institution or site;

(v) If applicable, Supervised Post-Degree Work Experience form as provided by the Board and sent directly to the Board by the supervisor;

(vi) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

(vii) All appropriate fees;

(viii) Proof of Lawful Presence in the United States;

(ix) A Supervision Agreement form as provided by the Board, signed by the applicant and the applicant's supervisor; and

(x) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

(b) Specialist in School Psychology. Every applicant for certification must submit:

(i) A completed application form as provided by the Board;

(ii) All appropriate fees;

(iii) Official transcripts from each college or university attended sent directly to the Board by the respective college or university;

(iv) Supervised Internship Experience verification form as provided by the Board documenting the nature of the supervised experiences and providing the names and addresses of supervisors sent directly to the Board by the internship supervisor or institution or site;

(v) Official verification of NSPE exam scores sent directly to the Board from the exam administrator;

(vi) Official verification of certification as a school psychologist to practice in the public schools by the Professional Teachers Standards Board sent directly to the Board by the Department board;

(vii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

(viii) Proof of Lawful Presence in the United States;

(ix) A Supervision Agreement form as provided by the Board, signed by the applicant and the applicant's supervisor; and

(x) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

Section 35. Behavior Analyst License Application Requirements.

(a) The BACB is the sole certifying entity recognized by the Board.

(b) Behavior Analyst. Applicants for a behavior analyst license shall submit:

(i) A completed application form as provided by the Board;

(ii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

(iii) Verification from the BACB or its successor organization, that the applicant holds a current certification as a board certified behavior analyst in good standing;

(iv) All appropriate fees;

(v) Proof of Lawful Presence in the United States; and

(vi) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

(c) Assistant Behavior Analyst. Applicants for an assistant behavior analyst license shall submit:

(i) A completed application form as provided by the Board;

(ii) License and certification verification from all other states where the applicant has been or is currently licensed or certified in any profession sent directly to the Board by the appropriate regulatory body;

(iii) Verification from the BACB or its successor organization, that the applicant holds a current certification as a board certified assistant behavior analyst in good standing;

- (iv) All appropriate fees;
- (v) Proof of Lawful Presence in the United States;
- (vi) Proof that the applicant will be supervised by a licensed psychologist or licensed BCBA in good standing; and
- (vii) In order to obtain state and national criminal history record information, legible fingerprint cards as required by W.S. 7-19-201(a)(xxxii).

Section 35. Issuance of Licenses and Certificates.

- (a) The Board shall issue a wall certificate and pocket cards bearing the full name of the holder, discipline designation, license or certification number, date of issuance, expiration date, and appropriate seal. The wall certificate shall be prominently displayed at their place of employment.
- (b) Temporary license holders shall be issued pocket cards only.
- (c) Upon request and payment of the duplicate fee, a second wall certificate ~~or pocket cards~~ may be issued.

CHAPTER 5

PSYCHOLOGIST LICENSURE REQUIREMENTS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-117 and 33-27-124.

Section 12. General Requirements. A license as a psychologist shall be issued when the applicant has provided adequate evidence to the Board that the applicant:

- (a) Has a reputation for honesty, trustworthiness, integrity and competence and;
- (b) Has met the education, supervised or professional experience, and examination requirements as described below;
- (c) Possesses a current Certificate of Professional Qualification in Psychology (CPQ) in good standing issued by ASPPB;
- (d) Is a member of the National Register for Health Service Providers in Psychology or the American Board of Professional Psychology and licensed in good standing as a psychologist in another state, territory, or possession of the United States or a foreign jurisdiction with substantially equivalent licensing requirements to Wyoming; or
- (e) Holds a license in good standing in another jurisdiction including any state or territory of the United States, whose requirements for licensure are equal to or exceed the requirements in Section 23 and has practiced continuously for the five (5) years immediately preceding the application for licensure.

Section 23. Educational Requirements. All applicants for licensure as a psychologist must possess a doctoral degree from a regionally accredited university.

- (a) The educational requirement may be met by the completion of a doctoral degree program in psychology accredited by the APA Commission on Accreditation (CoA) degree program in psychology at the time the applicant participated; or
- (b) A program that meets all of the criteria listed below;
 - (i) The doctoral degree program must include:
 - (A) A minimum of three academic years of full-time graduate study or the equivalent including at least forty semester hours, or sixty quarter hours, of graduate courses in curriculum areas described in subsection (2i) of this section. Courses must be clearly identified by title and course content as being part of an integrated psychology program.

(B) One (1) year in residency as described in subsection (~~3~~iii) of this section;

(C) An organized, sequential and coordinated supervised professional training experience as described in Section 4.

(ii) Curriculum requirements: The applicant must demonstrate three or more semester hours, or five or more quarter hours (or their equivalent) of core study in each of the following content areas:

(A) History and systems of psychology;

(B) Research design and methodology;

(C) Statistics and psychometrics;

(D) Biological bases of behavior for example: Physiological psychology, comparative psychology, neural bases of behavior, sensation and perception, and biological bases of development;

(E) Cognitive-affective bases of behavior for example: Learning, thinking, motivation, emotion, and cognitive development;

(F) Social bases of behavior for example: Social psychology, organizational theory, community psychology, and social development;

(G) Individual differences for example: Personality theory; developmental psychology, child development, adult development and aging;

(H) Professional standards and ethics;

(I) Cultural and individual diversity;

(J) Psychopathology or dysfunctional behaviors;

(K) Theories and methods of assessment and diagnosis;

(L) Effective psychological intervention and evaluation of the efficacy of interventions; and

(M) Consultation and supervision.

(iii) Academic Residency requirement:

(A) The doctoral degree program must involve at least one (1) continuous academic year of full-time physical residency at the institution that grants the degree

or a minimum of 1,500 hours of student-faculty contact involving in person individual or group educational meetings.

(B) Educational meetings:

(I) Must include both faculty-student and student-student face-to-face interaction;

(II) Be conducted by the psychology faculty of the institution at least seventy-five percent of the time;

(III) Be fully documented by the institution and the applicant;

and

(IV) Relate substantially to the program components specified.

Section 34. Foreign Graduates. An applicant for licensure whose application is based on graduation from an institution of higher education located outside the United States and its territories shall demonstrate that the applicant's formal education is equivalent to a doctoral degree in psychology from a regionally accredited educational institution.

(a) The Board shall find that the institution of higher education from which an applicant graduated is equivalent to a regionally accredited education institution only if the institution of higher education is included in one of the following:

(i) International Handbook of Universities, published for the international Association of Universities by Stockton Press, ~~345 Park Avenue South, 10th floor, New York, NY 10010-1708;~~

(ii) Commonwealth Universities Yearbook, published for the Association of Commonwealth Universities by John Foster House, ~~36 Gordon Square, London, England, WC1H 0PF;~~ or

(iii) Another source the Board determines provides reliable information.

(b) The academic transcript of an applicant who graduated from an institution located outside the United States and its territories shall be translated into English and evaluated by a member organization of the National Association of Credential Evaluation Services (NACES). The applicant is responsible for paying all expenses incurred to obtain a translation and review of the academic transcript.

(c) When the credential review is completed, the NACES member organization shall submit the review report to the Board. The Board shall review the report and determine whether the applicant's education meets the standard.

(d) Upon written request, the Board may waive the credential review required for an applicant who graduated from a doctoral program that is accredited by the accreditation panel of the Canadian Psychological Association.

(e) After the Board determines that the formal education of an applicant is equivalent to a doctoral degree in psychology from a regionally accredited educational institution, the applicant shall provide evidence to the Board that they have met all other requirements for licensure.

Section 45. Experience Requirement. The applicant must have completed 3,000 hours of supervised professional experience related to the practice of psychology, in no less than two (2) years. 1,500 hours of supervised professional experience is equal to one (1) year. The supervised professional experience shall include a pre-doctoral internship program which, at the time the applicant participated, was accredited by the APA Commission on Accreditation, or was a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC) or documented equivalent experience. Additional supervised professional experience may be accumulated from the following:

(a) Pre-internship. Pre-internship training can include up to one year (1,500 hours) of supervised professional experience in practicum, clerkship, or other training activities required in the doctoral degree program. Pre-internship training is an organized, sequential series of supervised professional experiences of increasing complexity, serving to prepare the student for internship and partially meeting requirements for licensure. Training experiences shall follow appropriate academic preparation and shall be overseen by the graduate training program. Such training shall be an extension of the student's academic coursework and not the provision of services that are not within the scope of the education received:

(i) Before beginning a pre-internship training experience, the student, the doctoral program, and the pre-internship program must agree on and document the goals for the training experience, the student's expectations for the training experience, the nature of the pre-internship experience, and how the training experience will be evaluated.

(ii) At least sixty percent (60%) of the pre-internship experience must be direct client contact providing assessment and intervention services.

(iii) The pre-internship experience must be supervised by the person(s) responsible for the assigned casework.

(A) At least seventy-five percent (75%) of the supervision must be by a licensed psychologist.

(B) Up to twenty-five percent (25%) of the supervision may be completed by the following:

(I) A psychiatrist(s) with at least three (3) years experience beyond residency;

(II) A licensed mental health counselor(s) with at least three (3) years post-license experience;

(III) A licensed marriage and family therapist(s) with at least five (5) years post-license experience;

(IV) A licensed clinical social worker(s) with at least three (3) years post-license experience.

(b) Post-Doctoral. If two (2) years of supervised professional experience has not been completed by the end of the doctoral degree program, then up to 1,500 hours of supervised post-doctoral experience can be used to satisfy the total requirement. This experience can be satisfied by completion of:

(i) A post-doctoral training program which, at the time the applicant participated, was accredited by the APA Commission on Accreditation, or was a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or

(ii) Post-doctoral supervised professional experience that meets the following criteria:

(A) Question of timing of submission.

(B) The title “Psychological Resident” may be used only in conjunction with activities and services that are part of supervised training in order to fulfill the experience requirements for licensure.

(C) The term “Psychologist” may not be used by psychological residents and their names may not appear in advertising.

(D) With the approval of the supervisor, Psychological Residents may send announcements of their supervised practice, may have business cards, and may bill directly. However, the supervisory relationship must be indicated and the supervisor’s name, address and telephone number must appear on all of these documents.

(E) All applicants shall submit a completed Supervision Verification Form as provided by the Board, signed by the supervisor(s) and sent directly to the Board which attests to the nature and quality of the supervisee’s post-doctoral supervised professional experience and the satisfactory completion of that supervised professional experience by the supervisee.

(iii) Any individual who obtains the post-doctoral supervised professional experience outside the State of Wyoming must demonstrate that the post-doctoral supervised professional experience was substantially equivalent to the post-doctoral supervised professional experience required in the State of Wyoming.

Section 56. Examination Requirement. The examination accepted by the Board to determine eligibility for licensure shall be the current EPPP.

(a) To be considered for examination, the applicant shall submit a completed application form and accompanying documentation. The applicant shall be notified in writing whether the application has been approved for examination.

(b) Every applicant for licensure must achieve a passing score of at least 70 percent (70%) or a scaled score of 500 on the examination. The examination must be passed within two (2) years of the initial notification from the Board granting permission to take the examination. Applicants who are unable to pass the examination within two (2) years must wait an additional two (2) years to reapply for licensure.

(c) In the case of applicants who are not licensed in another state, but who have taken the EPPP within a five (5) year period preceding receipt of the application for licensure, the Board may waive retaking of the examination if the applicant achieved a passing score as defined above.

CHAPTER 6

CERTIFICATION REQUIREMENTS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-114.

Section ~~1~~2. Psychological Practitioner.

(a) Certification Requirement. An individual must be certified with the Wyoming State Board of Psychology before practicing as a psychological practitioner.

(b) Education Requirements. All applicants shall have completed a minimum of forty-two (42) graduate hours in psychology, or the quarter hour equivalent, and hold a master's or doctoral degree in psychology from a college or university which was regionally accredited at the time the applicant was enrolled and graduated. In determining whether an applicant's academic program was appropriate, the board shall employ the following criteria:

(i) The program, wherever it may be housed administratively, must be clearly identified as a psychology program.

(ii) The program must be an integrated, organized sequence of study in psychology.

(iii) The psychology program must stand as a recognizable, coherent and organized entity within the institution.

(iv) There must be a clearly identified authority with primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(v) There must be an identifiable psychology faculty and a psychologist formally responsible for the program.

(vi) The program must have an identifiable body of students who are matriculated in that program for a degree.

(vii) The program must specify in pertinent institutional catalogs and brochures its intent to educate and train individuals for the professional practice of psychology.

(c) Experience Requirement. Individuals may demonstrate fulfillment of the experience requirement by completion of 450 hours of supervised practicum or internship experience, in no more than two (2) placements, with supervision provided by a licensed psychologist, in the course of obtaining the degree.

(d) Examination Requirement. The examination accepted by the Board to determine eligibility for certification shall be the current EPPP.

(i) To be considered for examination, the applicant shall submit a completed application form and accompanying documentation. The applicant shall be notified in writing whether the application has been approved for examination.

(ii) Every applicant for certification must achieve a raw score of 130 or a scaled score of 450 on the examination.

(iii) In the case of applicants who are not certified in another state, but who have taken the EPPP within a five (5) year period preceding receipt of the application for certification, the Board may waive retaking of the examination if the applicant achieved a passing score as defined above.

(iv) A psychological practitioner certified in any other state, province, territory or possession may be eligible for certification without examination provided the requirements for such certification in such state, territory, or possession are substantially equivalent to certification requirements in Wyoming.

Section 23. Specialist in School Psychology.

(a) Certification Requirement. An individual must be certified with the Wyoming State Board of Psychology before practicing as a specialist in school psychology.

(b) Any applicant who is NCSP certified, and who is certified as a School Psychologist by the Professional Teachers Standard Board in Wyoming shall be considered as having met the education, experience, and examination requirements for certification as a Specialist in School Psychology.

(c) All other applicants must meet the following criteria:

(i) Education Requirements. The applicant shall have completed a master's degree in school psychology plus thirty (30) graduate semester hours, or a higher level degree program in school psychology, with sixty (60) graduate semester hours minimum, consisting of course work, practicum, internship and culminating in a graduate degree in school psychology from an NASP accredited graduate degree program in school psychology. All other applicants must meet the current standards for graduate preparation approved by the National Association of School Psychologists (NASP) or its successor.

(ii) Internship Requirements. The applicant shall have successfully completed a 1,200 hour supervised internship in school psychology, of which 600 hours shall be in a school setting. The internship shall be recognized through institutional documentation (transcript) and must meet the current standards for graduate preparation approved by the National Association of School Psychologists (NASP) or its successor. Internships completed prior to December 31, 1994 which meet the above requirement are accepted without institutional documentation.

(iii) Examination Requirement. The applicant must pass the NSPE. A passing score is one which equals or exceeds the cut score determined by NASP for achieving the NCSP credential at the time the applicant took the NSPE.

Section 34. Scope of Practice.

(a) Psychological Practitioner. A certified psychological practitioner shall practice under the supervision of a psychologist who is qualified by scope of practice to work in the area the psychological practitioner will be.

(i) The supervising psychologist shall maintain ultimate responsibility for the psychological activities of supervisees, the welfare of every client served by the psychological practitioner, and be fully accountable in the event that professional, ethical, or legal issues are raised.

(ii) Irrespective of any other training which the psychological practitioner may have completed, or any other certification or licensure which the psychological practitioner may possess, or any other professional title or label he or she may claim, anyone certified as a psychological practitioner is bound by the provisions of the act and the rules of the Board in providing psychological services.

(c) Specialist in School Psychology. A certified specialist in school psychology shall function under the supervision of a psychologist who has the appropriate training and experience to supervise individuals within the school psychology specialty scope of practice.

(i) Irrespective of any other training which the specialist in school psychology may have completed, or any other certification or licensure which the specialist in school psychology may possess, or any other professional title or label the individual may claim, anyone certified as a specialist in school psychology is bound by the provisions of the act and rules of the Board in providing school psychological services.

CHAPTER 7

MENTAL OR PHYSICAL IMPAIRMENT

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-121.

Section 2. Determination of Mental or Physical Impairment.

(a) If the Board has reasonable grounds to suspect that an individual licensed or certified under this act or an applicant may be using controlled substances or lacks the mental or physical capacity to practice with reasonable skill and safety to patients or clients, the Board may:

(i) Order the individual to submit to a psychological evaluation, at the sole expense of the applicant or license or certificate holder, by one of three psychologists designated by the Board and selected by the individual; and

(ii) Order the individual to submit to a physical or other medical evaluation, at the sole expense of the applicant or license or certificate holder, by one of three physicians designated by the Board and selected by the individual.

(b) Refusal of an individual or applicant to submit to such examination within a reasonable time or to release the results of such examination shall be just cause for the denial of application, refusal to renew, suspension or limitation of the individual's license or certification until such an examination is completed and the Board has made a determination of fitness to practice with reasonable skill and safety.

(c) If the Board determines that the individual in question is not qualified to practice with reasonable skill and safety, then this finding shall constitute grounds for the revocation, suspension, or limitation of the license or certification to practice or the denial of the application to practice in this jurisdiction.

(d) Any individual whose license or certification to practice is denied, revoked, suspended or otherwise limited, or applicant whose application is denied due to a finding of mental or physical impairment has a right to appeal the action of the Board pursuant to the provisions of the Administrative Procedures Act.

(e) When mental or physical capacity to practice is at issue, every individual licensed or certified to practice in this jurisdiction or any applicant shall be deemed to have consented to submit to a mental or physical examination or any combination of such examinations and to waive all objections to the admissibility of such examinations or to previously adjudicated evidence of a mental or physical impairment.

CHAPTER 8

RENEWAL OF LICENSES AND CERTIFICATES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116.

Section ~~12~~. Annual Renewal of Licenses and Certificates.

(a) Licenses and certificates expire June 30 of every year. The Board shall provide a renewal notice to individuals no later than thirty (30) days prior to the expiration date.

(b) The complete application and renewal fee must be postmarked or electronically completed no later than the expiration date, ~~or the next business day in cases when the expiration date falls on a weekend or holiday, in order to meet the renewal deadline without penalty.~~

(c) Renewal applications postmarked or electronically completed within the thirty (30) days immediately following the expiration date of a license or certificate will be assessed a late fee in addition to the renewal fee.

(d) Renewal applications postmarked or electronically completed more than thirty (30) days following the expiration date will not be accepted by the Board and the license or certificate will expire.

(e) Failure to receive notice from the Board for renewal of a license or certificate does not excuse an individual from the requirements for renewal under the Act and this rule.

(f) A license or certificate holder who has allowed his/her license or certificate to expire may apply for license or certificate within one (1) year of the expiration date by submitting a renewal application for a license or certificate, the application fee, the restoration fee, the license or certificate fee for the current year, and verification of having completed ~~thirty (30)~~ forty (40) hours of continuing education within the ~~forty-eight (48)~~ twenty-four (24) months immediately preceding the application date.

Section ~~32~~. Psychologist, Psychological Practitioner, and Specialist in School Psychology Continuing Education Requirements.

(a) As a condition for renewal, license and certificate holders must provide documentation of having completed ~~thirty (30)~~ forty (40) hours of continuing education every two (2) years on their renewal date. ~~These hours must be obtained during the forty-eight (48) months immediately preceding their renewal date. The period required to obtain continuing education hours may be extended by the Board if good cause is shown by the applicant.~~

(b) These hours may be earned as ~~follows:~~ provided in Chapter 18.

(i) ~~Up to twenty (20) continuing education hours may be earned by completing designated activities reviewed and approved by the WPA or the WSPA for continuing education credit.~~

~~(ii) — At least ten (10) continuing education hours must be earned by completing program designed activities reviewed and approved by the APA or NASP.~~

(c) It is the licensee or certificate holder's responsibility to obtain the necessary documentation of hours earned from the continuing education activity sponsor and to submit such documentation to the Board upon request.

Section 34. BCBA and BCaBA. A BCBA or BCaBA applying for renewal of their license shall provide proof of current BACB certification in good standing.

Section 45. Change of Name and/or Address. It is the responsibility of the individual to inform the Board in writing of any change in legal name, or contact information within thirty (30) days of the change.

Section 6. Fingerprint Cards. As required by W.S. 7-19-201 (a)(xxxii), in order to obtain state and national criminal history record information legible fingerprint cards shall be submitted by all applicants for renewal every two years.

CHAPTER 9

FEES

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116.

Section ~~1~~2. General Information.

(a) Fees shall be payable in the exact amount for all services and shall be paid in advance of the services rendered.

(b) All fees collected by the Board are non-refundable.

Section 23. Fees. Services for which the Board charges a fee include but are not limited to the following:

| | |
|---|------------------------------|
| (a) Application Fee: | \$ 275 <u>600</u> |
| (b) Temporary Application and License Fee: | \$150 |
| (e) Initial License or Certification Pro-rated Fee by month of issuance: | |
| July | \$200 |
| August | \$183 |
| September | \$167 |
| October | \$150 |
| November | \$133 |
| December | \$117 |
| January | \$100 |
| February | \$83 |
| March | \$67 |
| April | \$50 |
| May | \$33 |
| June | \$17 |
| (d) (c) Annual License or Certification Renewal Fee: | \$ 200 <u>400</u> |
| (e) (d) Late Fee for License or Certification Renewal: | \$ 200 <u>400</u> |
| (f) (e) Official License or Certification Verification Fee: | \$15 |
| (g) (f) Replacement/Duplicate Document Fee: | \$25 |

~~(h)(g)~~ Restoration of Expired License Fee: \$200
~~(i) — Non-sufficient funds fee will be charged in accordance with W.S. 1-1-115~~

CHAPTER 10

PRACTICE AND PROCEDURES GROUNDS FOR DISCIPLINARY, APPLICATION, AND LICENSURE MATTERS ACTION

Section 1. Authority. These rules are adopted under the Board's authority granted by Wyoming Statute 33-27-14620.

~~Section 2. Definitions.~~

~~(a) "ARC" means application review committee.~~

~~(b) "IC" means investigative committee.~~

~~Section 3. Statement of Purpose.~~ These Board Rules are adopted to implement the Board's authority to:

~~(a) Conduct investigations, hearings, and proceedings concerning:~~

~~(i) Alleged violations of the Act or the Board Rules;~~

~~(ii) Petitions for modifying conditions or restrictions imposed upon a license;~~

~~or~~

~~(iii) Actions relating to an application for a license including granting or denying.~~

~~(b) Determine and administer appropriate disciplinary action against a licensee.~~

~~(c) For the purposes of this chapter, "license" refers to any Board issued license or certificate and "licensee" refers to any person holding a board issued license or certificate.~~

Section 42. Grounds for Discipline. The Board may take disciplinary action or refuse to issue or renew a license for any one (1) or more of the following acts or conduct:

(a) Fraud, deception or misrepresentation in applying for a license or certificate, in taking an examination, or in rendering services;

(b) Unprofessional or dishonorable conduct that would violate the provisions of this chapter or the Act, including W.S. 33-27-120(b);

(c) Practicing psychology in a manner that endangers the welfare of clients or patients;

(d) Harassment, intimidation or abuse - sexual or otherwise - of a client or patient;

(e) Sexual exploitation of a client or patient as defined in W.S. 33-27-113(a)(viii);

(f) Malpractice or negligence in the practice of psychology;

(g) Aiding or abetting the practice of psychology by individuals not licensed or certified by the Board;

(h) Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third-party vendor;

(i) Exercising undue influence to exploit a client, patient, student or supervisee for financial or other personal advantage to the practitioner or a third party;

(j) The suspension, revocation, imposition of conditions, or any other adverse action against the licensee's license to practice psychology in another state. A certified copy of another state's order shall be conclusive evidence of the other state's action;

(k) Refusal to appear before the Board after receiving an order to appear from the Board, its executive officer, or chairperson;

(l) Making any fraudulent or untrue statement to the Board;

(m) Inability to practice psychology with reasonable skill and safety to patients or clients because of illness, inebriation, misuse or impairment from drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition;

(n) Failure to meet the requirements for licensing or certification set forth in the Board's rules;

(o) Revealing the content of privileged communications, except as required by an established court of law, or as ~~set forth in Chapter 15 stipulated in the Ethical Principles of Psychologists and Code of Conduct and~~ or as provided in W.S. 33-27-123; or

(p) Conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients.

(q) Practicing sexual orientation change efforts, popularly known as "conversion therapy." For the purpose of this subsection, "sexual orientation change efforts" includes the provision of treatment, interventions, counseling, or services intended to change a person's sexual orientation, gender identity, or gender expressions. "Sexual orientation change efforts" does not include treatment, interventions, counseling, or services provided to persons seeking to transition from one gender to another or that provide acceptance, social support, and identity exploration and development.

(r) Assisting law enforcement officers in interrogations.

~~Section 5. Application Review and Investigation Process.~~

~~(a) Application Review. In application matters:~~

~~(i) Every application for a license, certificate, or permit issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied.~~

~~(ii) — If any application, including renewals, reveals any information that merits further investigation, the matter shall be assigned to an Application Review Committee (ARC).~~

~~(b) — ARC Action. The ARC may recommend:~~

~~(i) — A license or permit be issued, renewed, relicensed, or reinstated;~~

~~(ii) — A license be issued, renewed, relicensed, or reinstated subject to conditions, restrictions, or other disciplinary action;~~

~~(iii) — Approval of a settlement agreement, which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand, or a combination thereof; or~~

~~(iv) — Denial of the application.~~

~~(c) — Notice of Intent. The ARC shall notify the applicant of its intent to recommend:~~

~~(i) — Issuance of a license subject to conditions, restrictions, or other disciplinary action; or~~

~~(ii) — Denial of a license.~~

~~(d) — The Notice of Intent shall contain:~~

~~(i) — A brief description of the facts or conduct that warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action;~~

~~(ii) — A statement of the nature of the actions that warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action and a citation to the applicable statutory provisions or Board Rules involved;~~

~~(iii) — An opportunity to show compliance with all lawful requirements for retention of the license or respond within fifteen (15) days from the date of mailing; and~~

~~(iv) — Notice of the right to a hearing if the licensee submits a written request to the Board office and the Board receives it within thirty (30) days of the date the ARC mailed the Notice of Intent.~~

~~(e) — Applicant's Request for Hearing.~~

~~(i) — The applicant may request a hearing if the ARC recommends:~~

~~(A) — Approval of the license subject to conditions, restrictions, or other disciplinary action; or~~

~~(B) — Denial of the application.~~

~~(ii) — The applicant shall submit a written request for hearing to the Board office and the Board must receive the request within thirty (30) days of the date of the ARC mailed the Notice of Intent.~~

~~(f) — Applicant's Failure to Request a Hearing. If the applicant fails to timely request a hearing of the ARC's recommendation, the Board may:~~

~~(i) — Approve the ARC's recommendation without a hearing;~~

~~(ii) — Set a hearing; or~~

~~(iii) — Dismiss the application.~~

~~Section 6. — Petition for Modification of Conditions or Restrictions.~~

~~(a) — Petition to Modify Conditions or Restrictions.~~

~~(i) — A licensee may petition the Board to modify conditions or restrictions imposed upon their license.~~

~~(ii) — A licensee shall submit a petition for modification to the Board office in writing, which shall include documentation demonstrating that the licensee has complied with a previously entered Board order if applicable, that the modification is consistent with their treatment plan if applicable, and that the modification is sufficient to ensure the public is adequately protected.~~

~~(iii) — A petition for modification shall be reviewed by a Disciplinary Committee (DC).~~

~~(b) — Disciplinary Committee Recommendation.~~

~~(i) — If the DC agrees with the requested modification, the parties may file a stipulated motion with the Board.~~

~~(ii) — If the DC does not agree with the requested modification, the DC shall notify the licensee of its intent to recommend denial of the petition.~~

~~(c) — Board Consideration.~~

~~(i) — The Board shall consider the petition, the DC's recommendation, and/or a stipulated motion at its earliest convenience.~~

~~(ii) — The Board may accept or reject the petition for modification.~~

~~Section 7. — Complaint Review and Disciplinary Investigation Process.~~

~~(a) — Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by a DC.~~

~~(b) — Disciplinary Committee Action. The DC may recommend:~~

- ~~(i) — Dismissal of a complaint;~~
- ~~(ii) — Dismissal of a complaint with an advisory letter;~~
- ~~(iii) — Approval of a settlement agreement, which may include voluntary surrender, suspension, imposition of restrictions or conditions, reprimand, or other discipline, or a combination thereof;~~
- ~~(iv) — Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline, or a combination thereof; or~~
- ~~(v) — Summary suspension.~~

~~Section 8. — Voluntary Surrender.~~

- ~~(a) — A licensee may petition the Board, in writing, to voluntarily surrender their license in lieu of discipline.~~
- ~~(b) — The Board shall consider the petition at its earliest convenience.~~
- ~~(c) — The Board may consider whether the licensee is under investigation and may accept or reject the petition.~~

~~Section 9. — Summary Suspension.~~

- ~~(a) — Recommendation. If the DC recommends summary suspension, the Board shall conduct an expedited proceeding to determine whether the licensee's continued practice presents a clear and imminent danger to public health, safety, or welfare.~~
- ~~(b) — Notice of Intent to Recommend Summary Suspension.~~
 - ~~(i) — The DC shall notify the licensee of its intent to recommend summary suspension;~~
 - ~~(ii) — The Notice of Intent shall contain:
 - ~~(A) — Copy of the complaint; and~~
 - ~~(B) — Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled;~~~~
- ~~(c) — Notice of Expedited Proceeding. Upon confirmation of the date and time of the expedited proceeding, the DC shall notify the licensee in writing of the date and time of the proceeding.~~
- ~~(d) — Scope of Expedited Proceeding. The scope of the expedited summary suspension proceeding shall be limited to a presentation of the evidence the investigating party believes warrants summary suspension and any information the licensee may present on his or her behalf. The board shall order summary suspension if it concludes probable cause exists that the charges, if proven, would imperatively require emergency action to protect the public health, safety, or~~

welfare. ~~The board shall incorporate a finding to that effect in its order granting summary suspension.~~

Section 10. — Formal Proceedings for Disciplinary Action

(a) ~~Notice of Intent to Recommend Disciplinary Action.~~

i. ~~The DC shall notify the licensee of its intent to recommend disciplinary action.~~

ii. ~~The Notice of Intent shall:~~

A. ~~Include a brief description of the facts or conduct which warrant the intended action; and~~

B. ~~Provide the licensee an opportunity to show compliance or respond to the allegations for disciplinary action within fifteen (15) days of the date of mailing.~~

Section 11. — Petition. ~~Petition. The DC shall initiate formal proceedings for disciplinary action by serving a Petition to the last known address of the licensee by regular mail at least thirty (30) days prior to the date set for hearing.~~

Section 12. — Notice of Hearing.

(a) ~~Upon receipt of a written request for hearing from an applicant or the commencement of formal proceedings for disciplinary action against a licensee, the Board shall conduct a hearing. The Board shall serve a Notice of Hearing on the applicant or licensee at least thirty (30) days prior to the hearing.~~

(b) ~~Notice of Hearing. The notice of hearing shall contain:~~

(i) ~~The name and last known address of the licensee;~~

(ii) ~~A brief statement of the matters asserted:~~

(A) ~~In application matters, the recommendation, the facts upon which the recommendation is based, and the statutory provisions or Board Rules the applicant is alleged to have violated; or~~

(B) ~~In disciplinary matters, the nature of the Petition and Compliant, the facts upon which the Petition is based, and the statutory provisions or Board Rules the licensee is alleged to have violated;~~

(iii) ~~The time, place, and nature of the hearing;~~

(iv) ~~The legal authority and jurisdiction; and~~

(v) — ~~A statement indicating that failure to respond to the petition within twenty (20) days of its receipt may result in a default judgment.~~

~~**Section 13. — Lawful Service.** There shall be a presumption of lawful service of a petition, notice of hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by regular mail.~~

~~**Section 14. — Dismissal or Default.**~~

~~(a) — The Board may dismiss an application where the applicant or the applicant's representative has not requested a hearing or appeared at a noticed hearing.~~

~~(b) — The Board may enter an order of default judgment based on the allegations contained in the Petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the Petition and has not appeared at a noticed hearing.~~

~~**Section 15. — Contested Case.** The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and the Office of Administrative Hearings rules concerning contested case proceedings as referenced in Chapter 1.~~

~~**Section 16. — Burden and Standard of Proof.**~~

~~(a) — Application Matters. The applicant shall bear the burden to prove by a preponderance of the evidence that they meet the qualifications for licensure. The burden shall shift to the ARC to prove by clear and convincing evidence that the applicant should be denied a license. The burden shall shift back to the applicant to persuade the Board that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient.~~

~~(b) — Petition for Modification Matters. The licensee shall bear the burden to prove by a preponderance of evidence that the petition for modification of conditions should be granted.~~

~~(c) — Disciplinary Matters. The DC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Act, Board Rules, or both.~~

~~**Section 17. — Board Decision and Order.**~~

~~(a) — Board Action. The Board may resolve a complaint by:~~

~~i. Approving the recommendations of the DC or ARC;~~

~~ii. Ruling in favor of a party on a dispositive motion;~~

~~(iii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:~~

~~A. Issue, renew, relicense, or reinstate a license;~~

~~(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;~~

~~(C) — Deny a license, renewal, reactivation, or reinstatement.~~

~~(D) — Approve or deny a petition;~~

~~(E) — Dismiss the complaint or Petition;~~

~~(F) — Dismiss the complaint or Petition with an advisory letter; or~~

~~(G) — Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.~~

~~(b) — Board Order. The Board shall issue a written decision and order. The decision and order shall be sent to the applicant, licensee, or their representatives by certified or regular mail.~~

Section 18. — Appeals.

~~(a) — Appeals from decisions of the Board are governed by the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.~~

~~(b) — Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.~~

CHAPTER 14

SUPERVISION

Section 1. Authority. These rules are adopted under the Board's authority granted by Wyoming Statute 33-27-114(e).

Section 12. Applications.

- (a) Qualified supervision is required for those individuals who:
 - (i) Are psychological residents as defined by the Board for the practice of psychology under qualified supervision.
 - (ii) Are deemed by the Board, because of academic, experiential, professional, or personal background reasons or because of formal adjudication or stipulated agreement, to require supervision in the practice of psychology.
 - (iii) Are Psychological Practitioners or Specialists in School Psychology.

Section 23. General Responsibilities in the Supervisory Arrangement.

- (a) The Board shall not assume responsibility for establishing supervisory relationships.
- (b) A specific plan of supervision must be filed by the supervisor and the supervisee for approval by the Board prior to any delivery of services by the supervisee. The plan shall be individualized for the supervisee, protect the public interest, and increase and/or maintain the supervisee's level of professional skills. A plan of supervision is not required if the supervision relationship was established prior to May 13, 2021.
- (c) The plan of supervision must include the following:
 - (i) A clear definition of the area(s) of practice to be supervised, including the types of activities and the populations served.
 - (ii) The frequency and times of supervisory sessions and specific areas to be covered, i.e., individual/group psychotherapy, assessments, tests administered, etc., will be determined by the supervising Psychologist.
 - (iii) The plan shall be signed by both supervisor and supervisee.
- (d) Exceptions or modifications to the plan shall be communicated to the Board within thirty (30) days.
- (e) Should a supervisor and a supervisee have an unresolved disagreement regarding the plan of supervision, either party may initiate an appeal to the Board for resolution. For specialized areas in which the Board may lack expertise, the Board may appoint a committee of at least two (2) experienced psychology professionals to review the matters in contention and make recommendations to the Board for the Board's decision.

(f) The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards, insuring the welfare of the public, and the ethical and legal protection of the supervision process.

(g) A minimum of 1 hour of face-to-face supervision per week for supervisee licensure applicants who have not previously held a psychology license. There may be special circumstances, e.g., geographical or confirmed physical hardship, when a jurisdiction may consider a variance in the frequency of the supervision sessions while keeping with the principle of 1 hour per week for 20 hours of client or patient contact.

(h) While the Board recognizes that the number of persons supervised by a given Psychologist may vary, the Board reserves the right to require documentation by the Psychologist of the adequacy of supervision when one Psychologist is supervising multiple licensed or certified professionals or applicants for licensure. This rule does not apply to University of Wyoming faculty supervising doctoral students.

(i) The Identity and role of the supervisor should be clearly documented, with the supervisor's signature, in the clinical record of each person served. This is to notify users of the record that the case is being supervised and to acknowledge that the supervisor is aware of the supervisee's work in each case. (The Board does not require co-signature of progress notes; however, co-signature is one option for documenting supervision at the discretion of the supervisor.)

(j) The Board requires the supervisor to be reasonably aware of the professional skills, practices, ethics, and abilities of each person being supervised.

(k) Supervisors may only supervise those areas of practice in which they are competent by virtue of training and experience.

(l) A Psychologist may be disqualified by the Board as a supervisor should he/she fail to provide adequate supervision under the requirements of the Rules and Regulations of the Board.

(m) Supervising Psychologists shall be licensed for the practice of psychology and must be aware of and abide by the ethical principles and statutes pertaining to the practice of psychology in general and to supervision in particular. They shall not permit their supervisee to engage in any psychological practice that they cannot perform competently themselves. The supervisor has the responsibility to interrupt or terminate the supervisee's activities whenever necessary to ensure adequate training and the protection of the public. The supervisor must have at least 2 years of independent practice in the area in which they supervise to qualify as a supervisor and shall demonstrate adequate training, competence and skill to render competently any psychological services the supervisee undertakes. The Board may evaluate the qualifications of any supervisor and take appropriate action.

(n) Supervision sessions shall be documented giving dates, time spent, and nature of the contact with the supervisor.

(o) The supervisor shall allow the supervisee to perform only those functions for which the supervisee has training and experience.

(p) When the post-doctoral work experience occurs in Wyoming (i.e. Psychological Resident), a Supervision Agreement form provided by the Board shall be submitted by the supervisor to the Board specifying the nature of the supervision arrangements and the name, address and telephone number of the supervisor and supervisee. Any changes in the agreement must be submitted in writing within ten (10) days to the Board.

Section 34. Requirements of Supervision.

(a) The licensed Psychologist who provides supervision will be clinically and professionally responsible for the work of the supervisee. The supervisor shall be accessible to the supervisee at any point during the supervisory relationship. The supervisor's relationship with the supervisee shall be separate from that of a consultant, who may be called in at the discretion of the applicant. The consultant will have no clinical or professional accountability for the services provided or for the welfare of the client/patient/consumer.

(b) Public announcement of clinical services and fees, and contact with the lay or professional community shall be offered only in the name of the supervising Psychologist. Titles of applicants must clearly show their supervised status.

(c) Users of the supervisee's services shall be informed of his/her status, and shall be given specific information about his/her qualifications and functions.

(d) Clients/patients/consumers shall be informed that they may meet with the supervising Psychologist at their request or at the request of the service provider or the supervisor.

(e) Setting and receipt of a fee shall remain the sole responsibility of the employing agency or supervising Psychologist.

(f) All written professional reports and communications shall be countersigned by the supervising Psychologist.

(g) The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised.

(h) An ongoing record of supervision shall be maintained that details the types of activities in which the applicant is engaged.

(i) Supervisors shall complete quarterly Supervision Report Forms. Supervisors shall maintain Supervision Report Forms for no less than five (5) years. Supervisors shall make Supervision Report Forms available to the Board upon request from the Board or an application or discipline committee.

(j) The supervisor shall keep records that will verify the training and evaluation of the supervisee, including the exact nature and number of hours of supervision and the exact nature and number of hours of acceptable post- doctoral supervised professional experience.

(k) Following five (5) years of supervised experience as a certified psychological practitioner or certified specialist in school psychology, the required supervision by a psychologist

may be reduced, as appropriate, to a minimum of weekly consultation with one (1) hour of face-to-face individual supervision provided on a monthly basis.

Section 45. Board Review. Failure of the supervisee or supervisor in the supervisory relationship to comply with these requirements and responsibilities shall be subject to Board review and possible disciplinary action.

Section 56. Supervision – BCaBA.

- (a) Supervisors must be one of the following:
 - (i) A licensed BCBA without current disciplinary sanctions who is certified by the BACB;
 - (ii) A licensed psychologist certified by the American Board of Professional Psychology in Behavioral and Cognitive Psychology who was tested in applied behavior analysis.
- (b) Ongoing supervision must comprise at least two percent (2%) of the total behavior-analytic service hours provided per month.
- (c) The BCaBA and supervisor must meet at least once during each month in which the BCaBA provides behavior-analytic services.
- (d) Supervision may include a combination of group and individual supervision, multiple supervisors, and multiple observation methods.

CHAPTER 15

ETHICS

Section 1. Authority and scope; violations.

- (a) The Board has the authority to promulgate these rules under Wyo. Stat. Ann. § 33-27-116(b).
- (b) These rules govern the conduct of psychologists and applicants for licensure whenever they provide psychological services in any context.
- (c) These rules do not supersede state or federal statutes regulating the practice of psychology.
- (d) Violating any provision of this chapter constitutes unprofessional conduct and is sufficient grounds for disciplinary action.

Section 2. Definitions.

- (a) “Client” means:
 - (i) A person who directly receives psychological services in the context of a professional psychologist-client relationship, including a child, adolescent, adult, couple, family, group, organization, community, or other populations, or other entities that receive psychological services.
 - (ii) An individual or entity that requests psychological services on behalf of another.
 - (iii) An organization that receives services directed primarily to the organization, rather than individuals associated with the organization.
 - (iv) An individual who has a legal guardian, including minors and legally incompetent adults, with respect to issues that directly affect the physical or emotional safety of the individual or any issues the legal guardian agrees are specifically reserved to the individual.
- (b) “Confidential information” means information a client reveals or a psychologist otherwise obtains when a client has a reasonable expectation that, because of the relationship between the client and the psychologist or the circumstances under which the information is revealed or obtained, the psychologist shall not disclose the information without the client’s informed written consent.
- (c) “Court order” means a written or oral communication from a judge or administrative official when such authority has been lawfully delegated to the judge or administrative official.
- (d) “Licensed” means having a license issued by the Board or by another state’s psychology regulator.

(e) “Professional relationship” means a mutually-agreed upon relationship between a psychologist and a client or clients for the purpose of the client or clients being provided psychological services, or obtaining the psychologist’s professional expertise, or both.

(f) “Professional service” means any action a psychologist provides in the context of a professional relationship.

(g) “Supervisee” means any person who provides or trains to provide psychological services under a psychologist’s license.

(h) “Telepsychology” means the delivery of psychological services using telecommunication technologies. Telecommunication technologies includes, but is not limited to, synchronous (i.e., live and real-time interaction, e.g., videoconferencing, audio-only telephone) and asynchronous (i.e., store-and forward non-live; e.g., text, email, messaging program, data-tracking smartphone applications) methods of fostering healthcare-related communication and transmission of healthcare-related information. Transmitted information may include text, image, audio, interactive videoconferencing, remote patient monitoring, or other data related to patient care. Technologies may be used independently or in combination. Technologies may be used as a sole service delivery method, or to supplement or augment in-person practices for a hybrid service. This includes the practice of mental health care delivery, diagnosis, consultation, treatment, and supervision.

Section 3. Rules of Conduct.

(a) Competence.

(i) Psychologists shall limit practice and supervision to their areas of competence in which they have gained proficiency through education, training, and experience.

(ii) Psychologists shall maintain competency in the areas in which they practice through continuing professional development, consultation, or other procedures, conforming with current standards of scientific and professional knowledge and the Board’s rules.

(iii) Psychologists shall accurately represent their areas of competence, education, training, experience, and professional affiliations.

(iv) When developing competency in a service or technique, psychologists shall seek appropriate education and training in the new area and consult with other psychologists or relevant professionals. Psychologists shall inform clients when they are engaging in an innovative service and the known risks associated with such services.

(v) Psychologists shall recommend or refer clients to other professional, technical, or administrative resources when referral is clearly in the best interests of the client.

(vi) A psychologist shall not render a formal professional opinion about a person without direct and substantial professional contact with, or a formal assessment of, that person.

(vii) Psychologists shall maintain and retain records according to the following principles:

(A) Psychologists that render professional services to individual clients or dependents, or bill services to a third-party payor, shall maintain professional records that include:

(I) The name of the client and other pertinent identifying information;

(II) The presenting problems or reasons for providing services or diagnosis;

(III) The fee arrangement;

(IV) The date and substance of each billed or service-count contractor service;

(V) Any test results or other evaluative results and any basic test data from which test results were derived;

(VI) Notation and results of formal consultations with other providers;

(VII) Any communications through any medium;

(VIII) A copy of all testing or other evaluative reports the psychologist prepared as part of the professional relationship.

(B) Psychologists shall maintain all data entries in professional records for not less than five years after the last date that service was rendered or the records were accessed, whichever is later, or for a longer period if required by law. This includes any releases the client executes to meet the requirements of this rule.

(C) If a psychologist provides psychological services to minors, the psychologist shall maintain those records at least until the minor reaches the age of majority plus five years, or for a longer period if required by law.

(D) Psychologists shall store and dispose of records, regardless of their format or the media in which they are maintained, in such a manner as to ensure they remain confidential.

(I) Psychologists shall retain documentation of any records that are destroyed.

(II) Psychologists shall maintain the confidentiality of all records in their possession or under their control, except as otherwise provided by law or pursuant to a client's specific written or signed authorization to release the record.

(E) Psychologists shall provide for the confidential disposition of records in compliance with these rules in the event of the psychologist's retirement, incapacity, or death.

(F) Psychologists shall maintain records that shall include the type, place, and general content of supervision sessions for each person they professionally supervise for not less than five years after the last date of supervision.

(viii) Psychologists shall make arrangements for another appropriate professional or professionals to meet the emergency needs of their clients, as appropriate, during periods of their foreseeable unavailability.

(ix) Psychologists shall exercise appropriate supervision over supervisees, as set forth in Chapter 12 of these rules.

(x) Psychologists shall not delegate professional responsibilities to a person not appropriately licensed or otherwise qualified to provide such services.

(b) Multiple relationships.

(i) For purposes of these rules, “multiple relationship” means a psychologist’s previous or previous familial, social, emotional, financial, supervisory, political, administrative, or legal relationship with a client or a relevant person associated with or related to the client.

(ii) Psychologists shall take reasonable steps to ensure that if a multiple relationship occurs, it is not exploitative of a client or a relevant person associated with or related to the client.

(iii) A multiple relationship that is exploitative of a client or a relevant person associated with or related to the client is prohibited.

(iv) A multiple relationship that would not reasonably be expected to impair a psychologist’s judgment or objectivity or risk harm to a client or relevant person associated with related to the client are not prohibited.

(c) Sexual relationships.

(i) Psychologists shall not terminate professional relationships to circumvent these rules.

(ii) Psychologists shall not engage in sexual intimacies of any kind with current clients.

(iii) Psychologists shall not engage in sexual intimacies of any kind with individuals they know to be close relatives of a current client or guardians of a current client or with any other person who has a significant relationship with a current client.

(iv) Psychologists shall not accept as clients any person with whom they have engaged in sexual intimacies of any kind.

(v) For two years after the last date psychologists provided psychological services of any kind to a client, psychologists shall not engage in sexual intimacies of any kind with former clients.

(vi) For two years after the last date psychologists provided psychological services to a client, psychologists shall not engage in sexual intimacies of any kind with individuals they know to be close relatives of a former client, guardians of a former client, or anyone else who has had a significant relationship with a former client, including, but not limited to, performing an assessment or rendering counseling, psychotherapeutic, or other professional psychological services.

(vii) The prohibitions set out in subsections (v) and (vi) of these rules shall extend indefinitely if the client is vulnerable, by reason of an emotional or cognitive disorder, to exploitation or influence by the psychologist.

(viii) Psychologists shall not engage in sexual intimacies of any kind with any student, trainee, intern, or resident for whom the psychologist has, or is likely to have, evaluative authority.

(d) Impairment. Psychologists shall not undertake or continue a professional relationship with a client when the psychologist is, or the board could reasonably expect the psychologist to be, impaired due to mental, emotional, cognitive, psychological, pharmacological, substance abuse, or induced conditions. If such a condition develops after a psychologist initiates a professional relationship, the psychologist shall terminate the relationship in an appropriate manner, notify the client in writing of the termination, and assist the client in obtaining services from another professional.

(e) Client welfare.

(i) Psychologists shall obtain informed consent from clients prior to providing psychological services.

(A) Psychologists shall give a truthful, understandable, and appropriate account of the client's condition to the client or to those responsible for the client's care.

(B) Psychologists shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freely choose regarding the services provided.

(ii) Psychologists shall terminate a professional relationship when it is reasonably clear that the client is not benefitting from the relationship, or if mutually agreed upon goals have been met, and shall prepare the client appropriately for such termination if feasible. Psychologists may terminate a professional relationship when the client or a person associated with or related to the client threatens or otherwise endangers them. When terminating professional services, psychologists shall offer to help locate alternative sources of professional services of assistance if feasible.

(iii) Psychologists shall not impose any stereotypes regarding behavior, values, or roles related to age, gender, religion, race, disability, nationality, sexual orientation, or diagnosis on any client.

(iv) Psychologists shall not induce, pressure, or coerce clients to solicit business on the psychologists' behalf.

(v) Psychologists shall refer clients to another professional when a client requests referral if feasible.

(vi) Psychologists shall not engage in any verbal or physical behavior with clients which is seductive, demeaning, harassing, or exploitative in any way.

(f) Welfare of supervisees, research participants, and students.

(i) Psychologists shall not engage in any verbal or physical behavior with supervisees which is seductive, demeaning, harassing, or exploitative in any way.

(ii) Psychologists shall not engage in any verbal or physical behavior with research participants which is seductive, demeaning, harassing, or exploitative in any way. Psychologists shall respect the dignity and protect the welfare of their research participants and shall comply with all relevant statutes and administrative rules concerning research participant treatment.

(iii) Psychologists shall not engage in any verbal or physical behavior with students that is seductive, demeaning, harassing, or exploitative in any way.

(g) Protecting client confidences.

(i) Psychologists shall safeguard confidential information they obtain in the course of their practice, teaching, research, or other professional services. Psychologists shall disclose confidential information to others only with the informed consent of their clients unless otherwise required or permitted by law or these rules.

(ii) Psychologists may disclose confidential information without the informed consent of a client when the psychologist determines that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm that the client will inflict on the client themselves or on another person. Psychologists shall limit disclosure of otherwise confidential information only to those persons necessary to protect the client or the person threatened. When the client is an organization, business, or other similar entity, the psychologist shall only disclose confidential information after the psychologist has made a reasonable attempt to have any threat of harm corrected within the organization.

(iii) When more than one party has an appropriate interest in the professional services a psychologist renders, prior to rendering professional services, the psychologist shall clarify to all parties involved the psychologist's duties related to keeping client information confidential and the psychologist's professional responsibility with respect to those services. In particular, psychologists shall clarify the psychologist's duties and responsibilities when the client is a minor or an organization, business, or other similar entity.

(iv) When a psychologist renders services to more than one client during a session, at the beginning of the professional relationship, the psychologist shall clarify to all parties involved the manner by which the psychologist will address confidential information. The psychologist shall give all parties an opportunity to discuss and accept whatever limitations to confidentiality may attach to the professional relationship.

(v) When a psychologist renders services to a legally dependent client, the psychologist shall inform the legal dependent of any limits the law imposes on the dependent's right to confidentiality with respect to their communications with the psychologist. The psychologist shall provide such information to the extent possible in language the legal dependent can understand.

(vi) Psychologists shall limit access to client records to preserve their confidentiality. Psychologists shall ensure that all persons working under their authority shall comply with requirements for confidentiality of any client records.

(vii) Psychologists shall comply with any relevant law regarding reporting child abuse or vulnerable population abuse.

(viii) When rendering professional services as part of a team, or when interacting with other appropriate professionals concerning a client's welfare, psychologists may share confidential information provided that the psychologist takes reasonable steps to inform all persons receiving confidential information about the confidential nature of the information and ensure that the persons abide by rules to maintain the information's confidentiality. Psychologists shall disclose confidential information under this subsection only to the extent necessary to render professional services.

(ix) When a psychologist uses information from otherwise confidential records for teaching, research, publication, or any other public or professional purpose, the psychologist shall ensure that the information has been redacted to prevent client identification.

(x) Psychologists shall not ~~allow~~ record or allow others to observe a client without the client's informed written consent.

(xi) After a psychologist terminates a professional relationship with a client or a client dies, the psychologist shall continue to treat any information regarding that client as confidential.

(h) Representation of services.

(i) Psychologists shall display their current Wyoming license to practice ~~psychological~~ psychology on the premises of their professional practice site.

(ii) Psychologists shall not misrepresent their professional qualifications, either directly or by implication.

(iii) Psychologists shall not misrepresent their affiliations or the purposes or characteristics of institutions or organizations with which they are affiliated, either directly or by implication.

(iv) Psychologists shall not include false or misleading information in public statements about the professional services they offer.

(v) Psychologists shall not associate with or permit their name to be used in connection with any services or products in such a way as to misrepresent the services or products,

the degree of the psychologist's responsibility for the services or products, or the nature of the psychologist's association with the services or products.

(vi) Psychologists shall correct others who misrepresent the psychologist's professional qualifications or affiliations. When a psychologist becomes aware of false or misleading public information about the psychologist or their credentials, qualifications, or services, the psychologist shall make all reasonable attempts to correct the information, including displaying corrected information in a public medium.

(i) Fees and statements.

(i) As early as feasible in a professional relationship, psychologists shall inform the person who receives psychological services and the client how the psychologist is compensated and the client is billed.

(ii) Psychologists shall not exploit clients by charging excessive fees or entering into an exploitative bartering arrangement.

(j) Assessment procedures.

(i) When a psychologist assesses a person, the result or interpretation of any assessment is confidential information.

(ii) When communicating the results of an assessment to a client or the person who receives the assessment, the psychologist shall appropriately interpret or explain the results so that the client or person may understand and make decisions based on the results.

(iii) When reporting the results of a formal assessment procedure for which norms are available, the psychologist shall report limitations in the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability, or interpretation of the results.

(iv) Psychologists shall not reproduce or describe in publications, lectures, presentations, or any other public disclosures any psychological tests or assessment measures or devices in ways that might compromise their security.

(v) Psychologists offering an assessment procedure or automated interpretation service to other professionals shall accompany that offer with a manual or other printed material that fully describes how the procedure or service was developed, the procedure's or service's rationale, evidence that shows the procedure's or service's validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which the psychologist recommends the procedure or service and identify special qualifications to administer and interpret the procedure or service properly. The psychologist shall ensure that any advertisement for the procedure or service is factual and descriptive.

(k) Violations of law.

(i) Psychologists shall not violate any applicable statute or rule regulating the practice of psychology.

- (ii) Psychologists shall not use fraud, misrepresentation, or deception to:
 - (A) Obtain a psychology license;
 - (B) Take a psychology licensing examination;
 - (C) Assist another individual to obtain a psychology license or take a psychology licensing examination;
 - (D) Bill clients or third-party payors;
 - (E) Provide psychological services;
 - (F) Report the results of psychological evaluations or services; or
 - (G) Conduct any other activity related to the practice of psychology.

(l) Aiding unauthorized practice.

(i) Psychologists shall not aid or abet another person in misrepresenting their professional credentials or illegally engaging in the practice of psychology.

(ii) Psychologists shall not delegate professional responsibilities to a person not appropriately licensed or otherwise qualified to provide such services.

(m) Reporting suspected violations.

(i) If a psychologist has reason to believe that another person has violated the Board's rules or practice act and that the violation may reasonably be expected to harm a client, the psychologist may report such a violation to the Board. Unless otherwise required by law, the psychologist may only provide the client's name with the written consent of the client.

(ii) When a client informs a psychologist of a possible violation of the Board's rules or practice act, or when a client asks how to file a complaint with the Board, the psychologist shall inform the client of the standards of practice of psychology relevant to the violation or complaint and how to file a complaint with the Board.

(n) Telepsychology.

(i) Psychologists using telepsychology shall be held to the same standard of care as in-person services. This includes the requirement to meet clinical, confidentiality, technical, and ethical standards as required by law.

(ii) Psychologists shall be aware of the potential impact of the use of telepsychology on clients. Psychologists shall assess and understand the limitations and appropriateness of telepsychology services for each individual client.

(iii) Psychologists practicing telepsychology shall take reasonable steps to protect and maintain the confidentiality of data and information relating to their clients/patients.

(iv) Psychologists shall consult with technology experts in order to apply adequate security measures in their practice to protect and maintain confidentiality.

(v) Psychologists shall not provide telepsychology when either party is in a setting where the confidentiality of the session could be expected to be compromised.

(vi) Psychologists shall take reasonable steps to ensure they are competent with the technology, and provide only services for which they are competent.

(vii) Psychologists shall continually assess their professional and technical competence when providing telepsychology and receive continuing education, training and consultation specifically related to technology and address changing technology used in telepsychology practice.

(viii) Psychologists providing telepsychology shall complete telehealth training. The training shall include state and federal laws relating to telepsychology, liability, informed consent, and issues relating to technology and confidentiality.

(ix) Psychologists who provide telepsychology services shall make reasonable efforts to dispose of personally identifiable information, including protected health information data.

(x) Before providing telepsychology services, Psychologists shall obtain written informed consent of the client. Informed consent shall state the following:

(A) The client understands the limitations of telepsychology services, and that therapy may be hindered as a result of the remote services offered;

(B) The client understands the issues and potential risks surrounding the confidentiality and security of client information when telepsychology technologies are used;

(C) Clarification of boundaries that are established and observed, and how to respond to routine electronic communications;

(D) Client and counselor define the steps for emergency services based on their local resources. Obtain the name and contact information for emergency contacts; and

(E) Potential risk of sudden disruption of telepsychology services, and how to reestablish communication in the event of a technology failure.

(xi) For any administration of psychological testing and assessment, psychologists shall consider the unique issues that may arise the test instruments and assessment approaches.

Section 4. BCBA and BCaBA. BCBAAs and BCaBAAs shall adhere to the “Ethics Standards” published by the BACB and as incorporated by reference in Chapter 1 of these rules.

CHAPTER 16

PRACTICE AND PROCEDURES FOR APPLICATIONS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116 and 16-3-103(j)(i).

Section 2. Application Review.

(a) Assigning Application Review Committee (ARC).

(i) Board staff shall review all applications for a license.

(ii) When Board staff determines that there may be grounds to deny a license or approve a license subject to discipline or restrictions, Board staff shall refer the application to an ARC.

(b) The ARC shall investigate the application, which may include requesting additional information, meeting with the applicant, or any other action the ARC deems appropriate.

(c) The ARC may recommend that the Board:

(i) Issue, renew, relicense, or reinstate a license;

(ii) Issue, renew, relicense, or reinstate a license subject to reprimand, conditions, restrictions, or other disciplinary action;

(iii) Approve a settlement agreement; or

(iv) Deny the application.

(d) Notice of Intent.

(i) If the ARC intends to recommend that the Board deny an application or issue a license subject to other disciplinary action, the ARC shall notify the applicant of its recommendation.

(ii) The Notice of Intent shall contain:

(A) A brief description of the facts or conduct that the ARC alleges warrant denying the license or issuing the license subject to disciplinary action;

(B) Citations to the applicable statutory provisions or Board rules that the ARC alleges the applicant violated; and

(C) Notice that an applicant may request a hearing before the Board in writing within thirty (30) days from the date of mailing.

(e) The applicant shall have thirty (30) days from the date the ARC mailed the Notice of Intent to respond. The applicant may:

(i) Request that the Board hold a hearing on the ARC's recommendation;

(ii) Request that the Board table consideration of the application; or

(iii) Withdraw the application.

(f) If an applicant fails to timely respond to the Notice of Intent, the Board may accept the ARC's recommendation.

(g) There shall be a presumption of lawful service of any communication required by these rules if sent by U.S. mail to the address stated on the application or, if applicable, an updated address later provided by the applicant.

Section 3. Hearing Procedure.

(a) Upon receiving a written request for a hearing from an applicant, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing on the applicant at least 30 days before the hearing. The Notice of Hearing shall contain:

(i) A brief statement of the matters asserted, including:

(A) The ARC's recommendation;

(B) The facts upon which the recommendation is based; and

(C) The statutory provisions or Board rules the applicant is alleged to have violated or failed to meet to qualify for licensure.

(ii) The time, place, and nature of the hearing;

(iii) The legal authority and jurisdiction of the Board; and

(iv) Notice of the burden and standard of proof.

(b) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(c) The applicant shall bear the burden to prove by a preponderance of the evidence that he or she meets the qualifications for licensure. The burden of production shall shift to the

ARC to prove by clear and convincing evidence that the applicant should not be granted an unrestricted license or license subject to discipline. The burden of production then shifts to the applicant to demonstrate that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient and that the applicant is entitled to licensure.

(d) The Board may resolve an application matter by:

(i) Adopting the ARC's recommendation without a hearing if the applicant did not request a hearing;

(ii) Resolving a dispositive motion in either party's favor;

(iii) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, reactivation, or reinstatement.

(e) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the applicant and the applicant's attorney or representative, if any.

(i) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(ii) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

CHAPTER 17

PRACTICE AND PROCEDURES FOR DISCIPLINE MATTERS

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116 and 16-3-103(j)(i).

Section 2. Complaint Review and Disciplinary Investigation.

(a) Complaints that a licensee has violated the Board's practice act or the Board's rules shall be submitted to the Board's office. Board staff may initiate complaints.

(b) After receiving a complaint or initiating a complaint, Board staff shall assign the complaint to an Investigation Committee (IC) for investigation.

(c) After reviewing and investigating the complaint, the IC may recommend that the Board:

(i) Dismiss the complaint;

(ii) Summarily suspend a license;

(iii) Approve a settlement agreement; or

(iv) Discipline the licensee, including suspension, revocation, or probation.

Section 3. Summary Suspension.

(a) An IC may recommend that the Board summarily suspend a license at any time when the IC or Board staff believes that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(b) The IC shall notify the licensee of its intent to recommend summary suspension. The Notice of Intent shall contain:

(i) A copy of the complaint, if any;

(ii) A description of the grounds for the summary suspension recommendation;

and

(iii) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) When the date and time of the summary suspension hearing is set, the Board staff shall notify the licensee of the date and time of the proceeding by mailing written notice and emailing electronic notice to the licensee's mailing and email addresses.

(d) The scope of the expedited summary suspension proceeding shall be limited to a presentation of the information the IC believes warrants summary suspension and any information the licensee may present on his or her behalf.

(e) Hearing Format.

(i) The IC shall describe the allegations that it believes warrant emergency action against the licensee.

(ii) The IC shall present information that demonstrates probable cause that the allegations are true.

(iii) The IC shall explain why the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(iv) The licensee, if present, may present any information demonstrating that the allegations are not true or that, even if the allegations are true, the licensee's continued practice does not imperatively require emergency action to protect the public health, safety, or welfare.

(f) The Board may order summary suspension if it concludes that probable cause exists that the allegations are true and that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

(g) No summary suspension shall be effective until the Board has adopted a written order incorporating the reasons justifying its decision.

(h) The Board shall enter a written order granting or denying summary suspension at the summary suspension proceeding or within seven days after the proceeding. The Board shall send the order to the licensee by U.S. mail and by email.

(j) Post-Deprivation Hearing.

(i) A licensee may request a post-deprivation hearing within ten days from the date the summary suspension order is entered.

(ii) If a licensee requests a post-deprivation hearing, the Board shall conduct it within 30 days of the licensee's request and notify the licensee of the date, time, and location of the hearing.

(iii) Post-deprivation hearings shall be conducted in the same manner as summary suspension proceedings as articulated in Section 3 (e) of this chapter. The sole issue before the Board at a post-deprivation hearing shall be whether the IC's allegations imperatively require emergency action to protect the public health, safety, and welfare. The Board shall affirm its decision to summarily suspend a license, and issue a written order to that effect, if it concludes that the IC has proven the allegations by a preponderance of the evidence and that the allegations imperatively require emergency action to protect the public health, safety, or welfare.

(k) Unless earlier terminated by the Board or a petition for discipline is filed under Section 5 of this chapter, summary suspensions shall lapse 180 days after the written order granting summary suspension is entered under subsection (h) of this section.

Section 4. Surrender in Lieu of Discipline and Licenses Issued in Error.

(a) A licensee may petition the Board, in writing, to voluntarily surrender a license in lieu of discipline.

(i) The IC shall recommend that the Board approve or deny the petition.

(ii) The Board may approve or deny the petition.

(b) If Board staff has reason to believe that a license has been issued despite an applicant not meeting licensure requirements and:

(i) If Board Staff has issued the license and the Board has not ratified its issuance, the license shall be rescinded and the matter shall be referred to an ARC.

(ii) If Board Staff has issued the license and the Board has ratified its issuance, the matter shall be referred to an IC.

(A) The IC may petition the Board to revoke the license or impose practice restrictions according to the procedures outlined in Section 5 of this chapter and may seek summary suspension.

(B) A revocation solely for the reasons specified in this subsection shall not be considered license discipline. Nothing in this subsection prohibits discipline or application denial for a licensee's conduct.

(C) A licensee may surrender the license at issue under this provision in lieu of a hearing before the Board without Board approval.

Section 5. Hearing Procedure.

(a) There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these rules if sent by U.S. mail to the address the licensee most recently supplied to the Board.

(b) The IC shall notify the licensee of its intent to file a petition for disciplinary action. The Notice of Intent shall:

(i) Include a brief description of the facts or conduct that warrant the intended action;

(ii) Include a description of the nature of the discipline the IC intends to seek;
and

(iii) Provide the licensee no less than 30 days to show that the licensee has complied with all lawful license requirements.

(a) The IC shall initiate proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(b) A licensee may respond to the Petition by filing an Answer admitting or denying the allegations in the Petition or by filing a dispositive motion.

(c) A licensee shall respond to a Petition within (20) days from the date the Petition is filed with the Board office or, if the licensee files a dispositive motion, from the date the dispositive motion is decided by entry of a written order. Failure to respond to the Petition within this time may result in a default judgment.

(d) When a petition for disciplinary action is filed, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing, with the Petition attached, on the applicant at least 30 days before the hearing. The notice of hearing shall contain:

(i) The legal authority for the Petition and statement of the Board's jurisdiction;

(ii) The facts justifying the disciplinary action sought;

(iii) The statutory provisions or Board rules the licensee is alleged to have violated;

(iv) The time, place, and nature of the hearing; and

(v) Notice of the burden and standard of proof.

(e) If a licensee fails to timely answer the allegations in a Petition or appear at a noticed hearing, and upon the IC's motion, the Board may enter default against the licensee. In entering default, the Board may:

(i) Order that the factual allegations in the Petition are to be taken as true for the purposes of the hearing;

(ii) Order that the licensee may not present evidence on some or all issues in the matter; or

(iii) Any other relief the Board determines is just.

(f) The Board may set aside an entry of default for good cause.

(g) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure

Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(h) The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Board's practice act or the Board's rules.

(j) The Board may resolve a discipline matter by:

(i) Resolving a dispositive motion in either party's favor;

(ii) Accepting a settlement agreed on by both parties;

(iii) Granting a licensee's petition for voluntary surrender in lieu of discipline under Section 4 of this Chapter;

(iv) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may, as applicable:

(A) Find no violation of the Board's practice act or rules and therefore impose no discipline on the licensee;

(B) Find that the licensee has violated the Board's practice act or rules and impose the following discipline:

(1.) Attach restrictions to the license or certificate;

(2.) Revocation;

(3.) Suspension.

(k) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the licensee and the licensee's attorney or representative, if any.

(l) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(m) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

Section 6. Petition for Modifying Conditions or Restrictions.

(a) A licensee may petition the Board to modify any conditions or restrictions on his or her license. The licensee shall submit a written petition for modification to the Board office. The petition for modification shall include evidence demonstrating:

(i) Compliance with all previously entered Board orders;

(ii) That the modification is consistent with any treatment plan or medical orders, if applicable; and

(iii) That the modification will ensure the public is adequately protected.

(b) The IC assigned the matter shall review the petition and shall recommend that the Board either grant or deny the petition within 30 days of the Board office receiving the petition.

(c) Board Consideration.

(i) The Board shall consider the petition and the IC's recommendation at its earliest convenience.

(ii) The Board may approve or deny the petition for modification.

CHAPTER 18

CONTINUING EDUCATION

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-27-116(j).

Section 2. Continuing Education Requirements for Psychologists, Psychological Practitioners, and Specialists in School Psychology.

(a) Each licensee and certificate holder shall complete forty (40) approved continuing education (CE) hours every two (2) years. The period to obtain the CE hours may be extended by the Board if the licensee or certificate holder shows good cause.

(b) CE hours shall be earned as follows:

(i) Each licensee and certificate holder shall complete at least three (3) CE hours in ethics, and three (3) CE hours in Risk Assessment every two (2) years.

(A) APA or NASP approval is not required for ethics and Risk Assessment CE hours.

(B) Risk Assessment includes learning about harm to self, harm to others, an inability to care for one's self, or a combination thereof.

(ii) At least ten (10) of the forty (40) required CE hours shall be APA or NASP approved courses. The remaining CE hours may be satisfied from Section (iii) below or may be earned by taking APA or NASP approved courses.

(iii) Remaining CE hours may be earned through the following:

(A) Taking a course approved by any state's psychology association;

(B) Teaching a graduate or undergraduate course in the field of psychology for the first time (maximum of 20 CE hours); 1 college course is equivalent to 10 CE hours.

(C) Taking a regionally accredited, graduate level, psychology course (maximum of 20 CE hours). One college credit is the equivalent of seven (7) CE hours.

(D) Conducting a psychology related presentation (maximum of 20 CE hours):

(I) A full-day presentation is a minimum of six (6) hours in duration and eligible for ten (10) CE hours;

(II) A half-day presentation is a minimum of three (3) hours in duration and is eligible for a maximum of five (5) CE hours.

(E) Having served for at least one (1) year on the Board of Psychology, as an elected office holder of a state psychological association, in a recognized role of a national psychology body, or similar (10 CE hours per year; maximum 20 CE per CE cycle);

(F) Participation of at least one (1) year in community mental health boards, including participation on hospital boards, in local National Alliance on Mental Illness (NAMI) chapters, suicide awareness or prevention boards, or similar (5 CE hours per year; maximum 10 CE per renewal cycle);

(G) Publication in a PR journal or book; or publication of a chapter in an academic psychology book. One publication is the equivalent of ten 10 CE hours (maximum 10 CE hours per CE cycle);

(H) Reading professionally related books. One book is the equivalent of one CE hour (maximum of 5 CE hours).

(c) Notwithstanding subsections (a) and (b), becoming ABPP Board Certified shall satisfy the full forty (40) hour CE requirement. This option may only be used once during the time the licensee or certificate holder is licensed or certified in Wyoming. for one renewal period.

(d) Licensees and certificate holders shall provide documentation justifying the completion of all CE hours and how they relate to the practice of psychology.

(e) Effective June 30, 2026 all CE hours must be earned in the two (2) years prior to a licensee's or certificate holder's renewal.

Section 3. Failure to Satisfy Continuing Education Requirements.

(a) A licensee or certificate holder who has not completed forty (40) CE hours in the preceding two (2) years may request an extension of time with the Board. The extension request must be made at least forty-five (45) days prior to expiration of the license or certificate requesting an extension of time.

(b) The Board may grant the extension if the licensee or certificate holder demonstrates that:

(i) Adherence to the rule would be unduly burdensome to the licensee or certificate holder for reasons of health, disability, family emergency, or extreme financial hardship;

(ii) Waiver of the rule would not injure third persons; and

(iii) Waiver is necessary due to factors outside the control of the licensee or certificate holder.

APPENDIX A

WYOMING STATE BOARD OF PSYCHOLOGISTS' LICENSING ACT

W.S. 33-27-101 BROUGHT 33-27-112

REPEALED

~~33-27-101. Definitions.~~

~~(a) For the purposes of this act 33-27-101 through 33-27-112 the following definitions shall apply:~~

~~(i) Accredited College or University. - Any college or university accredited by a regional accrediting association offering a full time resident graduate program in psychology leading to the doctoral degree;~~

~~(ii) Licensed Psychologist. - A person licensed to practice psychology under this act;~~

~~(iii) Board. - The Wyoming state board of psychologist examiners;~~

~~(iv) Psychology. - The application and teaching of principles of learning, motivation, perception, thinking, and emotional relationships as applied in, but not limited to, the following psychological techniques: counseling and guidance; behavior modification including psychotherapeutic techniques; measuring and testing of personality, intelligence, aptitudes, attitudes, skills, emotions and public opinion; psychological research; teaching or lecturing; and consultation.~~

~~33-27-102. License require4; exceptiops.~~

~~(a) Any person who, individually or as a member or employee of a firm, partnership, association, corporation or institution, holds himself to be a psychologist and uses a title or description of services which incorporates the word "psychological", "psychologist", or "psychologic" or "psychology" and renders services for compensation or other personal gain involving the application of principles, methods, procedures of the science and profession of psychology, shall hereafter be licensed under the terms of this act 33-27-101 through 33-27-112.~~

~~(b) Nothing in this act shall be construed to limit the activities and services of a teacher, student, intern or resident in psychology in a school, college or university that are performed as a part of his supervised degree program or on behalf of his employer.~~

~~(c) Nothing in this act shall prevent the employment by a person, association, partnership or a corporation furnishing psychological services under the provision of this act to perform services in various capacities as needed, if such persons work under the supervision of a psychologist licensed under the provisions of this act and if such persons are not in any manner held out to the public as psychologists licensed under the act.~~

~~(d) Nothing in this act shall authorize any person to engage in the practice of medicine as defined by the laws of this state; nor shall this act be construed to prevent members of other professions from performing psychological services as a part of their professions so long as such persons do not represent themselves to the public as being psychologists.~~

~~(e) Any person to whom the state department of education has issued a current pupil personnel certificate endorsed for guidance or psychological services shall not be subject to the provisions of this act, but nothing contained in this subsection shall be construed as permitting such person to offer, or render his services as a psychologist to any person, firm or corporation other than his institutional employer unless he has been licensed under the provisions of this act.~~

~~33-27-103. Privileged communications.— A licensed psychologist may not reveal without the consent of his client any communication made by the client to him or the client's legal advisor or his advice given hereon in the course of professional employment; nor shall a licensed psychologist's secretary, stenographer, clerk or other employee reveal, without the consent of his employer or the client, any facts, the knowledge of which he has acquired in such capacity.~~

~~33-27-104. Board of psychologist examiners (generally); removal.~~

~~(a) The Wyoming state board of psychologist examiners shall consist of five (5) psychologists representative of the various areas of psychology who shall be appointed by the governor from a list of ten (10) nominees presented by the Wyoming psychological association, and who shall serve without compensation other than per diem and mileage allowance as allowed to state employees for the performance of their duties. The governor may remove any board member as provided in W.S. 9-1-202.~~

~~(b) The members of the board shall be appointed as soon as possible after enactment hereof, to serve the following terms: One (1) member for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years from July 1, 1965. Thereafter, at the expiration of the term of each member, the governor shall appoint a successor for a term of three (3) years. Each member of the board first appointed under this act 33-27-101 through 33-27-112 shall be issued a license according to this act.~~

~~(c) Each member of the board shall be a citizen of the United states, a resident of this state, and licensed under this act, except that the members comprising this board as first appointed shall be persons who have been engaged in rendering services, teaching, or research in psychology for a period of at least five (5) years and who hold a doctoral degree.~~

~~(d) The board shall hold a regular annual meeting in which it shall select from its members a chairman and a vice-chairman. Other regular meetings shall be held at such times as the rules of the board may provide. Special meetings may be held at such times as may be deemed necessary or advisable by the chairman and the majority of its members, or upon request of the governor. Reasonable notice of all meetings shall be given in the manner prescribed by the board. The quorum of the board shall consist of the majority of its members. The secretary of the board shall be appointed by the board from its membership; and the board may employ such other persons as it deems necessary or desirable to carry out the provisions of this act, all of whom shall receive such compensation as may be fixed in the budget from time to time, but no such persons may be employed with funds other than those received as fees paid under the provision of this act. The board shall adopt an official seal.~~

~~(e) In addition to the powers and duties granted the board by the provisions of this act, the board may make all rules which are reasonable and necessary for the proper performance of its duties and for the regulation of proceedings before it, and which are not inconsistent with the constitution or the laws of this state.~~

~~(f) The board shall, as required by w.s. 9-2-1014, report to the governor concerning the work of the board.~~

~~(g) Any vacancy in the membership in the board occurring other than by expiration of term, shall be filled by appointment by the governor for the unexpired term, from a current list, similar to the one submitted to him under subsection (a) of this section.~~

~~(h) The attorney general of the state of Wyoming shall act as attorney for the board and he or his representative shall sit as an ex officio member of the board in an advisory capacity only.~~

~~33-27-105. Examinations generally: issuance, expiration and renewal of license: list of licensees: a44: title of board.~~

~~(a) The board shall administer examinations to qualified applicants for licensing at least once a year. The board shall determine the subject and scope of specialized psychological areas and the techniques for examination.~~

~~(b) Written examinations may be supplemented by such oral examinations as the board may determine. The board shall determine an acceptable level of performance for each examination. An applicant who fails this examination may be reexamined at a subsequent examination upon the payment of another examination fee. An applicant who fails two (2) successive examinations may apply after two (2) years additional professional experience for reexamination.~~

~~(c) The board shall issue a license to each person who qualifies as a psychologist, his address, date of issuance, expiration, and bear a serial number. The license shall be signed by the secretary of the board under the seal of the board. The license shall expire one (1) year after its date of issuance or renewal and is invalid thereafter unless renewed. The board shall notify every person licensed under this act 33-27-101 through 33-27-112 relative to the date of expiration of his license and the amount of the renewal fee. This notice shall be mailed to each licensed psychologist at his listed address in Wyoming at least one (1) month before the expiration of the license. Renewal may be made at any time during the sixty (60) days prior to the expiration date by application therefor and failure on the part of any person licensed to pay his renewal fee by the expiration date does not deprive him of the right to renew his license, but the fee shall be increased ten percent (10%) for each month or major portion thereof that the payment of the renewal fee is delayed after the expiration date. However, the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Privilege of renewal may follow a lapse of one (1) year or more and will be subject to review by the board and the applicant may be requested to successfully complete an examination if the board so determines.~~

~~(d) During each year the board shall publish a list of all psychologists licensed under this act. This list shall contain the name and address of the psychologist and such other information as the board deems advisable. The board shall mail a copy of this list to each person licensed under this act; shall place a copy on file in the secretary of state's office and furnish copies to the public, upon request.~~

~~(e) The board, in addition to the other powers and duties set forth herein, is authorized and empowered to:~~

~~(i) Examine for, deny, approve, revoke, suspend and renew the licenses of psychologist applicants as provided under this act;~~

~~(ii) conduct hearings upon complaints concerning persons licensed under this act;~~

~~(iii) Cause the prosecution and enjoinder of all persons violating this act, by the complaint of its secretary signed with the county attorney, in the county where the violation took place, and incur necessary expenses therefor;~~

~~(iv) Study and review new developments in research, training and the practice of psychology for the purpose of making recommendations to the governor and other state officials regarding new and revised programs and legislation in psychology which would be beneficial to the citizens of the state of Wyoming.~~

~~33-27-101. Application for examination; prerequisites to issuance of license.~~

~~(a) The application for examination for licensing as a psychologist shall be upon the forms prescribed by the board. The board shall license as a psychologist any person who pays the prescribed fee, who passes a satisfactory examination in psychology and who submits evidence verified by oath and satisfies the board that he:~~

~~(i) Repealed by Laws 1991, ch. 112, 2.~~

~~(ii) Is an adult;~~

~~(iii) Is of good moral character;~~

~~(iv) Has received a doctoral degree based on a program of studies whose content was primarily psychological from an accredited college or university having an appropriate graduate program.~~

~~33-27-107. Person eligible for licensing without examination.~~

~~(a) Until December 31, 1965, a person who is at least twenty-one (21) years of age and of good character, a resident of the state of Wyoming for one (1) year prior to said date, may make application to be licensed by the board as a psychologist. Upon receipt of such application together with fees, such applicant may be licensed by the board as psychologist:~~

~~(i) Without examination, if he has a doctoral degree from an accredited college or university based upon a program which is primarily psychological in both subject matter and the extent of training; and in addition, has had two (2) years of professional experience satisfactory to the board;~~

~~(ii) Without examination, if he has a master's degree from an accredited institution based on a program which is primarily psychological; and in addition, has had five (5) years of professional experience satisfactory to the board;~~

~~(iii) With examination, if he has a master's degree from an accredited institution based upon a program which is primarily psychological or substantial equivalent thereof and, in addition, has had at least two (2) years but less than five (5) years of professional experience satisfactory to the board.~~

~~33-27-108. Temporary licenses: reciprocity.~~

~~(a) Temporary licenses may be issued by the board to psychologists licensed or certified in another state where the licensing or certification requirements are substantially equivalent to the requirements of this act 33-27-101 through 33-27-112 or to any psychologist who is a diplomate in good standing of the American board of examiners in professional psychology; where such psychologist although a resident of another state is working on an individual matter in Wyoming in a consulting capacity with a licensed Wyoming psychologist and where the resident licensed psychologist requests the issuance of the temporary license in his behalf. Such licenses shall expire at the termination of the project for which they are issued.~~

~~(b) Temporary licenses may also be issued by the board to persons qualified by education and experience and whose applications have been approved while the applicants await the next administration of the examination.~~

~~(c) The board may, upon application and upon payment of the required fee, license as a psychologist, without examination, any person who is licensed or certified as a psychologist by any other state, territory, or possession if the requirements for such licensing in such state, territory, or possession are the substantial equivalent of the requirements of this act, and if the applicant has established to the satisfaction of the board his good moral and ethical character and has met the requirements of W.S. 33-27-107, or is a diplomate in good standing of the American board of examiners in professional psychology.~~

~~33-27-10t. supenaion. revocation or denial of license:
rewtoration of license,~~

~~(a) The license or application of any psychologist for licensing may be suspended, revoked, or denied by the board upon proof that the psychologist as a part of his experience, or since his licensing:~~

~~(1) Has been convicted of a felony by any court; the conviction of any offense which would constitute a felony under the law of this state;~~

~~(ii) Is addicted to the use of alcohol, any narcotic, or other drugs having similar effects to an extent or in a manner dangerous to himself, any other person, or the public, or to an~~

extent that such use impairs his ability to perform the work of a professional psychologist with safety to the public; or

~~(iii) Has been guilty of fraud or deceit in connection with his services rendered as a psychologist;~~

~~(iv) Has aided or abetted a person not licensed as a psychologist to represent himself as a psychologist in the state of Wyoming;~~

~~(v) Has been guilty of unprofessional conduct;~~

~~(vi) Has impersonated another person holding a psychologist's license or allowed another person to use his license;~~

~~(vii) Has used fraud or deception or has misrepresented the facts in applying for a license or in taking an examination provided for in this article;~~

~~(viii) Has accepted commissions or rebates or other forms of remuneration for referring clients to other professional persons;~~

~~(ix) Has willfully or negligently violated any of the provisions of this act 33-27-101 through 33-27-112; or~~

~~(x) Has failed to meet the requirements for licensing set forth herein.~~

~~(b) No license shall be suspended or revoked until after a hearing before the board. The notice of the hearing shall be served either personally or by registered mail at least ten (10) days prior to the scheduled hearing. It shall set the time and place of the hearing; and shall set forth the ground or grounds constituting the charges against the psychologist. The psychologist is entitled to be heard in his defense either in person or with counsel and may produce testimony and testify in his own behalf. A record of the hearings shall be taken and preserved. The hearing may be adjourned from time to time. If the psychologist fails, or refuses to appear, the board may proceed to hear and determine the charges in his absence. If the psychologist pleads guilty, or if upon hearing the charges are found to be true, the board may enter an order suspending or revoking the license or reprimand the psychologist, as the case may be. The board shall reduce its findings and actions to writing.~~

~~(c) The board through the chairman or vice-chairman may administer oaths, and may compel the attendance of witnesses, and the production of physical evidence before it from witnesses upon whom processes are served within the state, as in civil cases, by subpoena issued over the signature of the chairman, or the~~

~~vice-chairman and the seal of the board. Upon request by an accused psychologist and statement under oath that the testimony or evidence is necessary to his defense, the board shall use the subpoena power in behalf of the accused psychologist.~~

~~(d) Any person who is aggrieved, by reason of the denial, suspension or revocation of his license or of the reprimand, may appeal the board's order thirty (30) days after receiving notice thereof, to the district court of Laramie county, Wyoming or to the district court of the county of residence of the appellant.~~

~~_____ Th
e hearing on such appeal shall be by trial de novo.~~

~~(e) For reasons it deems sufficient and upon a vote of a majority of its members, the board may restore a license which has been revoked, reduce the period of suspension, or withdraw the reprimand.~~

~~33-27-110. false statements and representations.~~

~~(a) Any person who six (6) months after the appointment of the initial board, represents himself to be a licensed psychologist within this state as defined herein without being licensed, is guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or be confined in jail for not more than six (6) months or both. Each violation shall be considered a separate offense.~~

~~(b) Any person who shall knowingly make a false statement in his application for license under this act 33-27-101 through 33-27-112, or in response to any inquiry by the board, shall be fined not more than fifty dollars (\$50.00) or imprisoned for not less than ten (10) days nor more than thirty (30) days, or both.~~

~~33-27-111. License fees: disposition of money: board members travel: at oyp expense.~~

~~(a) The Board, Pursuant to W.S. 33-1-201, shall establish fees for registration by examination, registration without examination, temporary registration and renewal.~~

~~(b) All sums of money shall be received and collected as provided by law. The state treasurer shall place the same in an account within the earmarked revenue fund which is subject at all times to the warrant of the state auditor, drawn upon written requisition of the chairman, and attested by the secretary of the board of psychologist examiners, with seal attached, for the payment of any expenses incurred by said board or the members thereof while acting in an official capacity.~~

APPENDIX B

Ethical Principles of Psychologists and Code Of Conduct 2002

REPEALED

History and Effective Date Footnote

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INTRODUCTION AND APPLICABILITY

The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, five General Principles (A—E), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action. The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by an Ethical Standard does not mean that it is necessarily either ethical or unethical.

This Ethics Code applies only to psychologists' activities that are part of their scientific, educational, or professional roles as psychologists. Areas covered include but are not limited to the clinical, counseling, and school practice of psychology; research; teaching; supervision of trainees; public service; policy development; social intervention; development of assessment instruments; conducting assessments; educational counseling; organizational consulting; forensic activities; program design and evaluation; and administration. This Ethics Code applies to these activities across a variety of contexts, such as in person, postal, telephone, internet, and other electronic transmissions. These activities shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code.

Membership in the APA commits members and student affiliates to comply with the standards of the APA Ethics Code and to the rules and procedures used to enforce them. Lack of awareness or misunderstanding of an Ethical Standard is not itself a defense to a charge of unethical conduct.

The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and Procedures of the APA Ethics Committee. APA may impose sanctions on its members for violations of the standards of the Ethics Code, including termination of APA membership, and may notify other bodies and individuals of its actions. Actions that violate the standards of the Ethics Code may also lead to the imposition of sanctions on psychologists or students whether or not they are APA members by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition, APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure. When the sanction to be imposed by APA is less than expulsion, the 2001 Rules and Procedures do not guarantee an opportunity for an in-person hearing, but generally provide that complaints will be resolved only on the basis of a submitted record.

The Ethics Code is intended to provide guidance for psychologists and standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. The Ethics Code is not intended to be a basis of civil liability. Whether a psychologist has violated the Ethics Code standards does not by itself determine whether the psychologist is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur.

The modifiers used in some of the standards of this Ethics Code (e.g., *reasonably*, *appropriate*, *potentially*) are included in the standards when they would (1) allow professional judgment on the part of psychologists, (2) eliminate injustice or inequality that would occur without the modifier, (3) ensure applicability across the broad range of activities conducted by psychologists, or (4) guard against a set of rigid rules that might be quickly outdated. As used in this Ethics Code, the term *reasonable* means the prevailing professional judgment of psychologists engaged in similar activities in similar circumstances, given the knowledge the psychologist had or should have had at the time.

In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code in addition to applicable laws and psychology board regulations. In applying the Ethics Code to their professional work, psychologists may consider other materials and guidelines that have been adopted or endorsed by scientific and professional psychological organizations and the dictates of their own conscience, as well as consult with others within the field. If this Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing authority in keeping with basic principles of human rights.

PREAMBLE

Psychologists are committed to increasing scientific and professional knowledge of behavior and people's understanding of themselves and others and to the use of such knowledge to improve the condition of individuals, organizations, and society. Psychologists respect and protect civil and human rights and the central importance of freedom of inquiry and expression in research, teaching, and publication. They strive to help the public in developing informed judgments and choices concerning human behavior. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. This Ethics Code provides a common set of principles and standards upon which psychologists build their professional and scientific work.

This Ethics Code is intended to provide specific standards to cover most situations encountered by psychologists. It has as its goals the welfare and protection of the individuals and groups with whom psychologists work and the education of members, students, and the public regarding ethical standards of the discipline.

The development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues; and to consult with others concerning ethical problems.

GENERAL PRINCIPLES

This section consists of General Principles. General Principles, as opposed to Ethical Standards, are aspirational in nature. Their intent is to guide and inspire psychologists toward the very highest ethical ideals of the profession. General Principles, in contrast to Ethical Standards, do not represent obligations and should not form the basis for imposing sanctions. Relying upon General Principles for either of these reasons distorts both their meaning and purpose.

Principle A: Beneficence and Nonmaleficence

Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm. Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence. Psychologists strive to be aware of the possible effect of their own physical and mental health on their ability to help those with whom they work.

Principle B: Fidelity and Responsibility

Psychologists establish relationships of trust with those with whom they work. They are aware of their professional and scientific responsibilities to society and to the specific communities in which they work. Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and seek to manage conflicts of interest that could lead to exploitation or harm. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of those with whom they work. They are concerned about the ethical compliance of their colleagues' scientific and professional conduct. Psychologists strive to contribute a portion of their professional time for little or no compensation or personal advantage.

Principle C: Integrity

Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology. In these activities psychologists do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact. Psychologists strive to keep their promises and to avoid unwise or unclear commitments. In situations in which deception may be ethically justifiable to maximize benefits and minimize harm, psychologists have a serious obligation to consider the need for, the possible consequences of, and their responsibility to correct any resulting mistrust or other harmful effects that arise from the use of such techniques.

Principle D: Justice

Psychologists recognize that fairness and justice entitle all persons to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists. Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices.

Principle E: Respect for People's Rights and Dignity

Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making. Psychologists are aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups. Psychologists try to eliminate the effect on their work of biases based on these factors, and they do not knowingly participate in or condone activities of others based upon such prejudices.

ETHICAL STANDARDS

1. Resolving Ethical Issues

1.01 Misuse of Psychologists' Work

If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.

1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority

If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.

1.03 Conflicts Between Ethics and Organizational Demands

If the demands of an organization with which psychologists are affiliated or for whom they are working conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.

1.04 Informal Resolution of Ethical Violations

When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual, if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved. (See also Standards 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 1.03, Conflicts Between Ethics and Organizational Demands.)

1.05 Reporting Ethical Violations

If an apparent ethical violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution under Standard 1.04, Informal Resolution of Ethical Violations, or is not resolved properly in that fashion, psychologists take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when psychologists have been retained to review the work of another psychologist whose professional conduct is in question. (See also Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority.)

1.06 Cooperating With Ethics Committees

Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they address any confidentiality issues. Failure to cooperate is itself an ethics violation. However, making a request for deferment of adjudication of an ethics complaint pending the outcome of litigation does not alone constitute noncooperation.

1.07 Improper Complaints

Psychologists do not file or encourage the filing of ethics complaints that are made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

1.08 Unfair Discrimination Against Complainants and Respondents

Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or considering other appropriate information.

2. Competence

2.01 Boundaries of Competence

(a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.

~~(b) Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, Providing Services in Emergencies.~~

~~(c) Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study.~~

~~(d) When psychologists are asked to provide services to individuals for whom appropriate mental health services are not available and for which psychologists have not obtained the competence necessary, psychologists with closely related prior training or experience may provide such services in order to ensure that services are not denied if they make a reasonable effort to obtain the competence required by using relevant research, training, consultation, or study.~~

~~(e) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect clients/patients, students, supervisees, research participants, organizational clients, and others from harm.~~

~~(f) When assuming forensic roles, psychologists are or become reasonably familiar with the judicial or administrative rules governing their roles.~~

2.02 Providing Services in Emergencies

~~In emergencies, when psychologists provide services to individuals for whom other mental health services are not available and for which psychologists have not obtained the necessary training, psychologists may provide such services in order to ensure that services are not denied. The services are discontinued as soon as the emergency has ended or appropriate services are available.~~

2.03 Maintaining Competence

~~Psychologists undertake ongoing efforts to develop and maintain their competence.~~

2.04 Bases for Scientific and Professional Judgments

~~Psychologists' work is based upon established scientific and professional knowledge of the discipline. (See also Standards 2.01c, Boundaries of Competence, and 10.01b, Informed Consent to Therapy.)~~

2.05 Delegation of Work to Others

~~Psychologists who delegate work to employees, supervisees, or research or teaching assistants or who use the services of others, such as interpreters, take reasonable steps to (1) avoid delegating such work to persons who have a multiple relationship with those being served that would likely lead to exploitation or loss of objectivity; (2) authorize only those responsibilities that such persons can be expected to perform competently on the basis of their education, training, or experience, either independently or with the level of supervision being provided; and (3) see that such persons perform these services competently. (See also Standards 2.02, Providing Services in Emergencies; 3.05, Multiple Relationships; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessments; 9.02, Use of Assessments; 9.03, Informed Consent in Assessments; and 9.07, Assessment by Unqualified Persons.)~~

2.06 Personal Problems and Conflicts

~~(a) Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.~~

~~(b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. (See also Standard 10.10, Terminating Therapy.)~~

3. Human Relations

3.01 Unfair Discrimination

~~In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.~~

3.02 Sexual Harassment

~~Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in~~

the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard 1.08, Unfair Discrimination Against Complainants and Respondents.)

3.03 Other Harassment

Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

3.04 Avoiding Harm

Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

3.05 Multiple Relationships

(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.

A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.

Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.

(b) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist takes reasonable steps to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.

(c) When psychologists are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur. (See also Standards 3.04, Avoiding Harm, and 3.07, Third-Party Requests for Services.)

3.06 Conflict of Interest

Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.

3.07 Third-Party Requests for Services

When psychologists agree to provide services to a person or entity at the request of a third party, psychologists attempt to clarify at the outset of the service the nature of the relationship with all individuals or organizations involved. This clarification includes the role of the psychologist (e.g., therapist, consultant, diagnostician, or expert witness), an identification of who is the client, the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality. (See also Standards 3.05, Multiple Relationships, and 4.02, Discussing the Limits of Confidentiality.)

3.08 Exploitative Relationships

Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as clients/patients, students, supervisees, research participants, and employees. (See also Standards 3.05, Multiple Relationships; 6.04, Fees and Financial Arrangements; 6.05, Barter With Clients/Patients; 7.07, Sexual Relationships With Students and Supervisees; 10.05, Sexual Intimacies With Current Therapy Clients/Patients; 10.06, Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients; 10.07, Therapy With Former Sexual Partners; and 10.08, Sexual Intimacies With Former Therapy Clients/Patients.)

3.09 Cooperation With Other Professionals

When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their clients/patients effectively and appropriately. (See also Standard 4.05, Disclosures.)

3.10 Informed Consent

(a) When psychologists conduct research or provide assessment, therapy, counseling, or consulting services in person or via electronic transmission or other forms of communication, they obtain the informed consent of the individual or individuals using language that is reasonably understandable to that person or persons except when conducting such activities without consent is mandated by law or governmental regulation or as otherwise provided in this Ethics Code.

(See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

(b) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.

(c) When psychological services are court ordered or otherwise mandated, psychologists inform the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any limits of confidentiality, before proceeding.

(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

3.11 Psychological Services Delivered To or Through Organizations

(a) Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) limits of confidentiality. As soon as feasible, they provide information about the results and conclusions of such services to appropriate persons.

(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform these individuals or groups at the outset of the service.

3.12 Interruption of Psychological Services

Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, relocation, or retirement or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)

4. Privacy And Confidentiality

4.01 Maintaining Confidentiality

Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium, recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship. (See also Standard 2.05, Delegation of Work to Others.)

4.02 Discussing the Limits of Confidentiality

(a) Psychologists discuss with persons (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant limits of confidentiality and (2) the foreseeable uses of the information generated through their psychological activities. (See also Standard 3.10, Informed Consent.)

(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

(c) Psychologists who offer services, products, or information via electronic transmission inform clients/patients of the risks to privacy and limits of confidentiality.

4.03 Recording

Before recording the voices or images of individuals to whom they provide services, psychologists obtain permission from all such persons or their legal representatives. (See also Standards 8.03, Informed Consent for Recording Voices and Images in Research; 8.05, Dispensing With Informed Consent for Research; and 8.07, Deception in Research.)

4.04 Minimizing Intrusions on Privacy

(a) Psychologists include in written and oral reports and consultations, only information germane to the purpose for which the communication is made.

(b) Psychologists discuss confidential information obtained in their work only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.

4.05 Disclosures

~~(a) Psychologists may disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or another legally authorized person on behalf of the client/patient unless prohibited by law.~~

~~(b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose such as to (1) provide needed professional services; (2) obtain appropriate professional consultations; (3) protect the client/patient, psychologist, or others from harm; or (4) obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.04e, Fees and Financial Arrangements.)~~

4.06 Consultations

~~When consulting with colleagues, (1) psychologists do not disclose confidential information that reasonably could lead to the identification of a client/patient, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they disclose information only to the extent necessary to achieve the purposes of the consultation. (See also Standard 4.01, Maintaining Confidentiality.)~~

4.07 Use of Confidential Information for Didactic or Other Purposes

~~Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, students, research participants, organizational clients, or other recipients of their services that they obtained during the course of their work, unless (1) they take reasonable steps to disguise the person or organization, (2) the person or organization has consented in writing, or (3) there is legal authorization for doing so.~~

5. Advertising and Other Public Statements**5.01 Avoidance of False or Deceptive Statements**

~~(a) Public statements include but are not limited to paid or unpaid advertising, product endorsements, grant applications, licensing applications, other credentialing applications, brochures, printed matter, directory listings, personal resumes or curricula vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials. Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated.~~

~~(b) Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.~~

~~(c) Psychologists claim degrees as credentials for their health services only if those degrees (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.~~

5.02 Statements by Others

~~(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.~~

~~(b) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item. (See also Standard 1.01, Misuse of Psychologists' Work.)~~

~~(c) A paid advertisement relating to psychologists' activities must be identified or clearly recognizable as such.~~

5.03 Descriptions of Workshops and Non-Degree-Granting Educational Programs

~~To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.~~

5.04 Media Presentations

~~When psychologists provide public advice or comment via print, internet, or other electronic transmission, they take precautions to ensure that statements (1) are based on their professional knowledge, training, or experience in accord with appropriate psychological literature and practice; (2) are otherwise consistent with this Ethics Code; and (3) do not indicate that a professional relationship has been established with the recipient. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)~~

5.05 Testimonials

Psychologists do not solicit testimonials from current therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.

5.06 In-Person Solicitation

Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this prohibition does not preclude (1) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged therapy client/patient or (2) providing disaster or community outreach services.

6. Record Keeping and Fees

6.01 Documentation of Professional and Scientific Work and Maintenance of Records

Psychologists create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals, (2) allow for replication of research design and analyses, (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law. (See also Standard 4.01, Maintaining Confidentiality.)

6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work

(a) Psychologists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. (See also Standards 4.01, Maintaining Confidentiality, and 6.01, Documentation of Professional and Scientific Work and Maintenance of Records.)

(b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.

(c) Psychologists make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of psychologists' withdrawal from positions or practice. (See also Standards 3.12, Interruption of Psychological Services, and 10.09, Interruption of Therapy.)

6.03 Withholding Records for Nonpayment

Psychologists may not withhold records under their control that are requested and needed for a client's/patient's emergency treatment solely because payment has not been received.

6.04 Fees and Financial Arrangements

(a) As early as is feasible in a professional or scientific relationship, psychologists and recipients of psychological services reach an agreement specifying compensation and billing arrangements.

(b) Psychologists' fee practices are consistent with law.

(c) Psychologists do not misrepresent their fees.

(d) If limitations to services can be anticipated because of limitations in financing, this is discussed with the recipient of services as early as is feasible. (See also Standards 10.09, Interruption of Therapy, and 10.10, Terminating Therapy.)

(e) If the recipient of services does not pay for services as agreed, and if psychologists intend to use collection agencies or legal measures to collect the fees, psychologists first inform the person that such measures will be taken and provide that person an opportunity to make prompt payment. (See also Standards 4.05, Disclosures; 6.03, Withholding Records for Nonpayment; and 10.01, Informed Consent to Therapy.)

6.05 Barter With Clients/Patients

Barter is the acceptance of goods, services, or other nonmonetary remuneration from clients/patients in return for psychological services. Psychologists may barter only if (1) it is not clinically contraindicated, and (2) the resulting arrangement is not exploitative. (See also Standards 3.05, Multiple Relationships, and 6.04, Fees and Financial Arrangements.)

6.06 Accuracy in Reports to Payers and Funding Sources

In their reports to payors for services or sources of research funding, psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided or research conducted, the fees, charges, or payments, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standards 4.01, Maintaining Confidentiality; 4.04, Minimizing Intrusions on Privacy; and 4.05, Disclosures.)

~~6.07 Referrals and Fees~~

~~When psychologists pay, receive payment from, or divide fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. (See also Standard 3.09, Cooperation With Other Professionals.)~~

~~7. Education and Training~~

~~7.01 Design of Education and Training Programs~~

~~Psychologists responsible for education and training programs take reasonable steps to ensure that the programs are designed to provide the appropriate knowledge and proper experiences, and to meet the requirements for licensure, certification, or other goals for which claims are made by the program. (See also Standard 5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs.)~~

~~7.02 Descriptions of Education and Training Programs~~

~~Psychologists responsible for education and training programs take reasonable steps to ensure that there is a current and accurate description of the program content (including participation in required course or program-related counseling, psychotherapy, experiential groups, consulting projects, or community service), training goals and objectives, stipends and benefits, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.~~

~~7.03 Accuracy in Teaching~~

~~(a) Psychologists take reasonable steps to ensure that course syllabi are accurate regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. This standard does not preclude an instructor from modifying course content or requirements when the instructor considers it pedagogically necessary or desirable, so long as students are made aware of these modifications in a manner that enables them to fulfill course requirements. (See also Standard 5.01, Avoidance of False or Deceptive Statements.)~~

~~(b) When engaged in teaching or training, psychologists present psychological information accurately. (See also Standard 2.03, Maintaining Competence.)~~

~~7.04 Student Disclosure of Personal Information~~

~~Psychologists do not require students or supervisees to disclose personal information in course or program-related activities, either orally or in writing, regarding sexual history, history of abuse and neglect, psychological treatment, and relationships with parents, peers, and spouses or significant others except if (1) the program or training facility has clearly identified this requirement in its admissions and program materials or (2) the information is necessary to evaluate or obtain assistance for students whose personal problems could reasonably be judged to be preventing them from performing their training or professionally related activities in a competent manner or posing a threat to the students or others.~~

~~7.05 Mandatory Individual or Group Therapy~~

~~(a) When individual or group therapy is a program or course requirement, psychologists responsible for that program allow students in undergraduate and graduate programs the option of selecting such therapy from practitioners unaffiliated with the program. (See also Standard 7.02, Descriptions of Education and Training Programs.)~~

~~(b) Faculty who are or are likely to be responsible for evaluating students' academic performance do not themselves provide that therapy. (See also Standard 3.05, Multiple Relationships.)~~

~~7.06 Assessing Student and Supervisee Performance~~

~~(a) In academic and supervisory relationships, psychologists establish a timely and specific process for providing feedback to students and supervisees. Information regarding the process is provided to the student at the beginning of supervision.~~

~~(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.~~

~~7.07 Sexual Relationships With Students and Supervisees~~

~~Psychologists do not engage in sexual relationships with students or supervisees who are in their department, agency, or training center or over whom psychologists have or are likely to have evaluative authority. (See also Standard 3.05, Multiple Relationships.)~~

8. Research and Publication

8.01 Institutional Approval

When institutional approval is required, psychologists provide accurate information about their research proposals and obtain approval prior to conducting the research. They conduct the research in accordance with the approved research protocol.

8.02 Informed Consent to Research

(a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) limits of confidentiality; (7) incentives for participation; and (8) whom to contact for questions about the research and research participants' rights. They provide opportunity for the prospective participants to ask questions and receive answers. (See also Standards 8.03, Informed Consent for Recording Voices and Images in Research; 8.05, Dispensing With Informed Consent for Research; and 8.07, Deception in Research.)

(b) Psychologists conducting intervention research involving the use of experimental treatments clarify to participants at the outset of the research (1) the experimental nature of the treatment; (2) the services that will or will not be available to the control group(s) if appropriate; (3) the means by which assignment to treatment and control groups will be made; (4) available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun; and (5) compensation for or monetary costs of participating including, if appropriate, whether reimbursement from the participant or a third-party payor will be sought. (See also Standard 8.02a, Informed Consent to Research.)

8.03 Informed Consent for Recording Voices and Images in Research

Psychologists obtain informed consent from research participants prior to recording their voices or images for data collection unless (1) the research consists solely of naturalistic observations in public places, and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm, or (2) the research design includes deception, and consent for the use of the recording is obtained during debriefing. (See also Standard 8.07, Deception in Research.)

8.04 Client/Patient, Student, and Subordinate Research Participants

(a) When psychologists conduct research with clients/patients, students, or subordinates as participants, psychologists take steps to protect the prospective participants from adverse consequences of declining or withdrawing from participation.

(b) When research participation is a course requirement or an opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.

8.05 Dispensing With Informed Consent for Research

Psychologists may dispense with informed consent only (1) where research would not reasonably be assumed to create distress or harm and involves (a) the study of normal educational practices, curricula, or classroom management methods conducted in educational settings; (b) only anonymous questionnaires, naturalistic observations, or archival research for which disclosure of responses would not place participants at risk of criminal or civil liability or damage their financial standing, employability, or reputation, and confidentiality is protected; or (c) the study of factors related to job or organization effectiveness conducted in organizational settings for which there is no risk to participants' employability, and confidentiality is protected or (2) where otherwise permitted by law or federal or institutional regulations.

8.06 Offering Inducements for Research Participation

(a) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements for research participation when such inducements are likely to coerce participation.

(b) When offering professional services as an inducement for research participation, psychologists clarify the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 6.05, Barter With Clients/Patients.)

8.07 Deception in Research

(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective nondeceptive alternative procedures are not feasible.

(b) Psychologists do not deceive prospective participants about research that is reasonably expected to cause physical pain or severe emotional distress.

(c) Psychologists explain any deception that is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the data collection, and permit participants to withdraw their data. (See also Standard 8.08, Debriefing.)

8.08 Debriefing

(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and they take reasonable steps to correct any misconceptions that participants may have of which the psychologists are aware.

(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.

(c) When psychologists become aware that research procedures have harmed a participant, they take reasonable steps to minimize the harm.

8.09 Humane Care and Use of Animals in Research

(a) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.

(b) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(c) Psychologists ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. (See also Standard 2.05, Delegation of Work to Others.)

(d) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.

(e) Psychologists use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.

(f) Psychologists perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery.

(g) When it is appropriate that an animal's life be terminated, psychologists proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures.

8.10 Reporting Research Results

(a) Psychologists do not fabricate data. (See also Standard 5.01a, Avoidance of False or Deceptive Statements.)

(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

8.11 Plagiarism

Psychologists do not present portions of another's work or data as their own, even if the other work or data source is cited occasionally.

8.12 Publication Credit

(a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have substantially contributed. (See also Standard 8.12b, Publication Credit.)

(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.

(c) Except under exceptional circumstances, a student is listed as principal author on any multiple-authored article that is substantially based on the student's doctoral dissertation. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate. (See also Standard 8.12b, Publication Credit.)

8.13 Duplicate Publication of Data

Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.

8.14 Sharing Research Data for Verification

(a) After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information.

(b) Psychologists who request data from other psychologists to verify the substantive claims through reanalysis may use shared data only for the declared purpose. Requesting psychologists obtain prior written agreement for all other uses of the data.

8.15 Reviewers

Psychologists who review material submitted for presentation, publication, grant, or research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it

9. Assessment

9.01 Bases for Assessments

(a) Psychologists base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)

(b) Except as noted in 9.01c, psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions. When, despite reasonable efforts, such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and appropriately limit the nature and extent of their conclusions or recommendations. (See also Standards 2.01, Boundaries of Competence, and 9.06, Interpreting Assessment Results.)

(c) When psychologists conduct a record review or provide consultation or supervision and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the sources of information on which they based their conclusions and recommendations.

9.02 Use of Assessments

(a) Psychologists administer, adapt, score, interpret, or use assessment techniques, interviews, tests, or instruments in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.

(b) Psychologists use assessment instruments whose validity and reliability have been established for use with members of the population tested. When such validity or reliability has not been established, psychologists describe the strengths and limitations of test results and interpretation.

(c) Psychologists use assessment methods that are appropriate to an individual's language preference and competence, unless the use of an alternative language is relevant to the assessment issues.

9.03 Informed Consent in Assessments

(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when (1) testing is mandated by law or governmental regulations; (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity. Informed consent includes an explanation of the nature and purpose of the assessment, fees, involvement of third parties, and limits of confidentiality and sufficient opportunity for the client/patient to ask questions and receive answers.

(b) Psychologists inform persons with questionable capacity to consent or for whom testing is mandated by law or governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.

(c) Psychologists using the services of an interpreter obtain informed consent from the client/patient to use that interpreter, ensure that confidentiality of test results and test security are maintained, and include in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, discussion of any limitations on the data obtained. (See also Standards 2.05, Delegation of Work to Others; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessments; 9.06, Interpreting Assessment Results; and 9.07, Assessment by Unqualified Persons.)

9.04 Release of Test Data

(a) The term *test data* refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists' notes and recordings concerning client/patient statements and behavior during an examination. Those portions of test materials that include client/patient responses are included in the definition of *test data*. Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release. Psychologists may refrain from releasing test data to protect a client/patient or others from substantial harm or misuse or misrepresentation of the data or the test, recognizing that in many instances release of confidential information under these circumstances is regulated by law. (See also Standard 9.11, Maintaining Test Security.)

(b) In the absence of a client/patient release, psychologists provide test data only as required by law or court order.

9.05 Test Construction

Psychologists who develop tests and other assessment techniques use appropriate psychometric procedures and current scientific or professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.

9.06 Interpreting Assessment Results

When interpreting assessment results, including automated interpretations, psychologists take into account the purpose of the assessment as well as the various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant limitations of their interpretations. (See also Standards 2.01b and c, Boundaries of Competence, and 3.01, Unfair Discrimination.)

9.07 Assessment by Unqualified Persons

Psychologists do not promote the use of psychological assessment techniques by unqualified persons, except when such use is conducted for training purposes with appropriate supervision. (See also Standard 2.05, Delegation of Work to Others.)

9.08 Obsolete Tests and Outdated Test Results

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

(b) Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.

9.09 Test Scoring and Interpretation Services

(a) Psychologists who offer assessment or scoring services to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.

(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations. (See also Standard 2.01b and c, Boundaries of Competence.)

(c) Psychologists retain responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.

9.10 Explaining Assessment Results

Regardless of whether the scoring and interpretation are done by psychologists, by employees or assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that explanations of results are given to the individual or designated representative unless the nature of the relationship precludes provision of an explanation of results (such as in some organizational consulting, preemployment or security screenings, and forensic evaluations), and this fact has been clearly explained to the person being assessed in advance.

9.11. Maintaining Test Security

The term *test materials* refers to manuals, instruments, protocols, and test questions or stimuli and does not include *test data* as defined in Standard 9.04, Release of Test Data. Psychologists make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations, and in a manner that permits adherence to this Ethics Code.

10.—Therapy

10.01 Informed Consent to Therapy

(a) When obtaining informed consent to therapy as required in Standard 3.10, Informed Consent, psychologists inform clients/patients as early as is feasible in the therapeutic relationship about the nature and anticipated course of therapy, fees, involvement of third parties, and limits of confidentiality and provide sufficient opportunity for the client/patient to ask

questions and receive answers. (See also Standards 4.02, Discussing the Limits of Confidentiality, and 6.04, Fees and Financial Arrangements.)

(b) When obtaining informed consent for treatment for which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards 2.01e, Boundaries of Competence, and 3.10, Informed Consent.)

(c) When the therapist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.

10.02 Therapy Involving Couples or Families

(a) When psychologists agree to provide services to several persons who have a relationship (such as spouses, significant others, or parents and children), they take reasonable steps to clarify at the outset (1) which of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the psychologist's role and the probable uses of the services provided or the information obtained. (See also Standard 4.02, Discussing the Limits of Confidentiality.)

(b) If it becomes apparent that psychologists may be called on to perform potentially conflicting roles (such as family therapist and then witness for one party in divorce proceedings), psychologists take reasonable steps to clarify and modify, or withdraw from, roles appropriately. (See also Standard 3.05c, Multiple Relationships.)

10.03 Group Therapy

When psychologists provide services to several persons in a group setting, they describe at the outset the roles and responsibilities of all parties and the limits of confidentiality.

10.04 Providing Therapy to Those Served by Others

In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential client's/patient's welfare. Psychologists discuss these issues with the client/patient or another legally authorized person on behalf of the client/patient in order to minimize the risk of confusion and conflict, consult with the other service providers when appropriate, and proceed with caution and sensitivity to the therapeutic issues.

10.05 Sexual Intimacies With Current Therapy Clients/Patients

Psychologists do not engage in sexual intimacies with current therapy clients/patients.

10.06 Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients

Psychologists do not engage in sexual intimacies with individuals they know to be close relatives, guardians, or significant others of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.

10.07 Therapy With Former Sexual Partners

Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.

10.08 Sexual Intimacies With Former Therapy Clients/Patients

(a) Psychologists do not engage in sexual intimacies with former clients/patients for at least two years after cessation or termination of therapy.

(b) Psychologists do not engage in sexual intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. Psychologists who engage in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated; (2) the nature, duration, and intensity of the therapy; (3) the circumstances of termination; (4) the client's/patient's personal history; (5) the client's/patient's current mental status; (6) the likelihood of adverse impact on the client/patient; and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client/patient. (See also Standard 3.05, Multiple Relationships.)

10.09 Interruption of Therapy

When entering into employment or contractual relationships, psychologists make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient. (See also Standard 3.12, Interruption of Psychological Services.)

10.10 Terminating Therapy

(a) Psychologists terminate therapy when it becomes reasonably clear that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.

(b) Psychologists may terminate therapy when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship.

(c) Except where precluded by the actions of clients/patients or third-party payors, prior to termination psychologists provide pretermination counseling and suggest alternative service providers as appropriate.

History and Effective Date Footnote

This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, August 21, 2002, and is effective beginning June 1, 2003. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. The Ethics Code and information regarding the Code can be found on the APA web site, <http://www.apa.org/ethics>. The standards in this Ethics Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Ethics Code that was in effect at the time the conduct occurred.

The APA has previously published its Ethics Code as follows:

American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author.

American Psychological Association. (1959). Ethical standards of psychologists. American

Psychologist, 14, 279-282. American Psychological Association. (1963). Ethical standards of

psychologists. American Psychologist, 18, 56-60. American Psychological Association. (1968).

Ethical standards of psychologists. American Psychologist, 23, 357-361. American Psychological

Association. (1977, March). Ethical standards of psychologists. APA Monitor, 22-23.

American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.

American Psychological Association. (1981). Ethical principles of psychologists. American

Psychologist, 36, 633-638. American Psychological Association. (1990). Ethical principles of

psychologists (Amended June 2, 1989). American

Psychologist, 45, 390-395.

American Psychological Association. (1992). Ethical principles of psychologists and code of conduct.

American

Psychologist, 47, 1597-1611.

Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department,

750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.

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