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Authority

The provisions of this Chapter 41 issued under section 506 of The Administrative Code of 1929 (71 P.S. § 186); and section 5 of the Professional Psychologists Practice Act (63 P.S. § 1205) (Repealed), unless otherwise noted.

Law Reviews

1994 Regulatory Review: Final Regulations of 1994, 4 Widener J. Public L. 917 (1995).

Cross References

This chapter cited in 49 Pa. Code § 23.34 (relating to professional corporations); 49 Pa. Code § 25.214 (relating to corporate practice and fictitious names); 49 Pa. Code § 29.27 (relating to permitted business practices); and 49 Pa. Code § 47.21 (relating to professional corporations).

GENERAL

§ 41.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

APA—American Psychological Association.

ASPPB—Association of State and Provincial Psychology Boards.

Accredited college or university—An institution which is recognized as an institution of higher education under 22 Pa. Code (relating to education) or which is accredited by a regional accrediting association recognized by the Commission on Recognition of Postsecondary Accreditation (CORPA).

Accredited hospital—A facility which is recognized as a hospital under 28 Pa. Code (relating to health and safety), or which is defined as a health care facility in section 103 of the Health Care Facilities Act (35 P. S. § 448.103).

Act—The Professional Psychologists Practice Act (63 P. S. §§ 1201—1218).

Board—The State Board of Psychology of the Commonwealth.

Bureau—The Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth.

CPA—Canadian Psychological Association.

Child abuse—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Public Welfare which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Client—A person, system, organization, group or family for whom a psychologist provides psychological services.

Client/patient—A person, system, organization, group or family for whom a psychologist provides psychological services. In the case of individuals with legal guardians, including minors and legally incapacitated adults, the legal guardian shall be the client/patient for decisionmaking purposes. The minor, legally incapacitated adult or other person actually receiving the service shall be the client/patient for issues specifically reserved to the individual, such as confidential communications in a therapeutic relationship and issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitive dual relationships.

Delegated supervisor—A person to whom the primary supervisor has delegated up to 1 hour of the 2 hours of required weekly supervision who holds a current license, certificate or registration from a health related board within the Bureau of Professional and Occupational Affairs or a person who is exempt

from licensure under section 3(4)—(8) of the act (63 P. S. § 1203(4)—(8)), who meets the requirements in § 41.33(a) and (b) (relating to supervisors).

Doctoral degree in a field related to psychology—A degree awarded upon successful completion of a program which, within 1 year from the award of the doctoral degree, meets one of the following:

- (i) Is accredited by the APA or the CPA.
- (ii) Is designated by the ASPPB/National Register Designation Project.
- (iii) Is offered by a foreign college or university whose standards are equivalent to the ASPPB/National Register Designation Project criteria.

Doctoral degree in psychology—A degree awarded upon successful completion of a program in psychology which, within 1 year from the award of the doctoral degree, meets one of the following criteria:

- (i) Is accredited by the APA or the CPA.
- (ii) Is designated by the ASPPB/ National Register Designation Project.
- (iii) Is offered by a foreign college or university whose standards are equivalent to the ASPPB/National Register Designation Project Criteria.

Graduate training in psychology—The completion of 15 graduate semester hours in a doctoral degree program in psychology that includes any of the following:

- (i) Provides in its core program required instruction in ethics, research design and methodology, statistics and psychometrics. In addition, requires students to demonstrate competence in each of the following four substantive content areas (this criterion will typically be met by requiring a minimum of three graduate semester hours in each area): biological bases of behavior—for example, physiological psychology, comparative psychology, neuropsychology, sensation and perception, psycho-pharmacology; cognitive-affective bases of behavior—for example, learning, thinking, motivation, emotion; social bases of behavior—for example, social psychology, group processes, organizational and systems theory; individual differences—for example, human development, personality theory, abnormal psychology.
- (ii) Includes supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.
- (iii) Includes course requirements in specialty areas of psychology.

Immediate family member—Parent/guardian, child, sibling, spouse or other family member with whom the client/patient lives.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

National Register—The Council for the National Register of Health Service Providers.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Primary supervisor—A currently licensed psychologist having primary responsibility for directing and supervising the psychology resident.

Professional relationship—A therapeutic relationship which shall be deemed to exist for a period of time beginning with the first professional contact or consultation between a psychologist and a client/patient and continuing thereafter until the last date of a professional service. If a psychologist sees a client/patient on an intermittent basis, the professional relationship shall be deemed to start anew on each date that the psychologist provides a professional service to the client/patient.

Professional setting—A public or private agency or institution or a private practice where the applicant for licensure is supervised as a psychology trainee for the purpose of preparing for the independent practice of psychology and which provides an opportunity for contact with other disciplines and for work with a broad range of clients/patients. The agency, institution or private practice shall be responsible for the welfare of and the services to each client/patient of the applicant, for collecting fees for services and for providing easy and continuous access to the supervisor by both the applicant and the applicant's clients/patients.

Psychologist—A person who holds a license issued under the act to engage in the practice of psychology.

Psychology intern—A student participating in an internship as part of a doctoral degree program in psychology or a field related to psychology.

Psychology resident—An individual who has obtained a doctoral degree and is fulfilling the supervised experience requirement for licensure, or an applicant for licensure who is continuing training under § 41.31(4) (relating to educational qualifications).

Psychology trainee—A psychology intern or psychology resident.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child’s physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

Sexual intimacies—Romantic, sexually suggestive, sexually demeaning or erotic behavior. Examples of this behavior include, but are not limited to, sexual intercourse, nontherapeutic verbal communication or inappropriate non-verbal communications of a sexual or romantic nature, sexual invitations, soliciting a date from a client/patient, masturbating in the presence of a client/patient (or encouraging a client/patient to masturbate in the presence of the psychologist), exposure, kissing or hugging, touching, physical contact or self-disclosure of a sexual or erotic nature.

Authority

The provisions of this § 41.1 amended under section 3.2(1) and (2), 6(a)(2) and 8(a)(6) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(1) and (2), 6(a)(2) and 1208(a)(6)); and the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 41.1 adopted February 6, 1976, effective February 7, 1976, 6 Pa.B. 229; amended March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; amended November 8, 1996, effective November 9, 1996, 26 Pa.B. 5420; amended May 22, 1998, effective May 23, 1998, 28 Pa.B. 2412; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2593; corrected December 21, 2001, effective August 1, 1998, 31 Pa.B. 6944; amended June 2, 2006, effective June 3, 2006, 36 Pa.B. 2680; amended June 4, 2010, effective June 5, 2010, 40 Pa.B. 2947. Immediately preceding text appears at serial pages (319668) to (319672).

Notes of Decisions

Competent Medical Evidence

A psychologist’s testimony was not competent medical evidence upon which to base a conclusion that appellant’s application for disability benefits should be denied; the phrase “competent medical evidence” requires evidence provided by a licensed physician and not a licensed psychologist. *Miller v. Bethlehem City Council*, 760 A.2d 446 (Pa. Cmwlth. 2000).

Cross References

This section cited in 49 Pa. Code § 41.31 (relating to educational qualifications); and 49 Pa. Code § 41.58 (relating to standards for the employment and supervision of unlicensed persons with graduate training in psychology).

§ 41.2. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part) 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) is applicable to the activities of and proceedings before the Board.

Source

The provisions of this § 41.2 adopted January 30, 1976, effective January 31, 1976, 6 Pa.B. 161; amended March 17, 1978, effective March 18, 1978, 8 Pa.B. 756. Immediately preceding text appears at serial page (26532).

§ 41.3. Licensee's change of name or address; service of process and legal papers.

(a) A licensee's name on file with the Board shall be the name that appears on the license unless that name is legally changed, in which case the licensee shall report the change and the reason therefor to the Board in writing within 10 days.

(b) A licensee who changes an address on file with the Board shall notify the Board in writing within 10 days. Licensees who do not comply with this subsection shall bear full responsibility for failure to receive correspondence from the Board, including biennial renewal notifications.

(c) A licensee's most recent name and address on file with the Board shall be deemed the licensee's official name and address for the purposes of service of process and other legal papers.

Authority

The provisions of this § 41.3 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.3 adopted March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171.

§ 41.4. Board address.

The address of the Board is State Board of Psychology, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649.

Authority

The provisions of this § 41.4 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.4 adopted March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171.

§ 41.7. Qualified members of other recognized professions—statement of policy.

(a) *Background.* Section 3(3) of the act (63 P. S. § 1203(3)) provides that “qualified members of other recognized professions . . . [may do] work of a psychological nature, consistent with the training and the code of ethics of their respective professions.” This policy statement announces the principles and stan-

dards the Board intends to apply when persons alleged to be practicing psychology without a license rely on section 3(3) of the act as exempting them from licensure.

(b) *Recognized professions.* For purposes of deciding whether a given group qualifies as a recognized profession under section 3(3) of the act, the Board will be guided by the criteria in paragraphs (1)—(4).

(1) The group's activity and focus must be based on an identifiable body of theoretical knowledge which, although it may include areas of common knowledge shared with psychology, is demonstrably different, in the aggregate, from the body of theoretical knowledge underlying psychology.

(2) The group must regulate entrance into professional membership by means of standards of knowledge, training and proficiency generally accepted by the profession with which it identifies.

(3) The group's activity must be guided by generally accepted quality standards, ethical principles and requirements for an independent profession.

(4) The group must exhibit the ordinary accoutrements of a profession, which may include, but are not limited to, professional journals, regional and national conferences, specific academic curricula and degrees, continuing education opportunities, regional and national certification and awards for outstanding practice within the profession.

(c) *Qualified members.* For purposes of deciding whether a person doing work of a psychological nature under section 3(3) of the act is a qualified member of a recognized profession, the Board will consider whether the person is in compliance with the academic, training and proficiency standards of the profession.

(d) *Scope of practice.* For purposes of deciding whether a person doing work of a psychological nature under section 3(3) of the act is practicing only within the scope of the recognized profession, the Board will consider whether the professional activities engaged in are generally accepted within the profession as part of its practice and are consistent with the training and code of ethics of the profession.

Notes of Decisions

Neuroscience Exception

The practice and study of neuroscience meets all of the criteria for recognized exceptions to the licensing requirement. Therefore, the two neuroscientists who administered and interpreted certain tests were not required to be licensed, and it was error to exclude their testimony and grant nonsuit. *Ford v. Philadelphia Housing Authority*, 789 A.2d 360 (Pa. Cmwlth. 2001); appeal denied 803 A.2d 736 (Pa. 2002); reconsideration denied 885 A.2d 980 (Pa. 2005).

Source

The provisions of this § 41.7 adopted June 29, 1990, effective June 30, 1990, 20 Pa.B. 3606.

§ 41.8. Department of Health licensing of substance abuse services provided by psychology practices—statement of policy.

(a) *Background and purpose.* The act authorizes the Board to license psychologists and to regulate the practice of psychology in this Commonwealth. The

Department of Health (Department), citing Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—1059), and regulations promulgated thereunder at 28 Pa. Code Chapter 709 (relating to standards for licensure of freestanding treatment facilities), maintains that its licensing and regulatory authority extends to psychology practices that provide services to clients/patients with substance abuse problems. The Board has sought to develop with the Department a joint policy statement accommodating the jurisdictional and public protection interests of each agency. This endeavor has not been successful. Meanwhile, the Board continues to receive inquiries from its licensees in independent practice who have been notified that they must secure an additional license from the Department if they provide substance abuse services. This statement of policy expresses the Board's position on this matter. It does not represent a reconciliation of views with the Department, nor is it intended to address funding or reimbursement issues.

(b) *Board Authority.* The Board has statutory authority to license, regulate and discipline psychologists in this Commonwealth. Accordingly, the Board regards the following services as exempt from licensure by the Department:

(1) Substance abuse services provided by a licensed psychologist functioning as a sole practitioner or by a group practice comprised only of licensed psychologists. Board regulations restrain psychologists from providing professional services unless qualified by education and training. See § 41.51 and Ethical Principle 2 under § 41.61 (relating to areas of acceptable practice; and Code of Ethics). Psychologists who practice outside their areas of competence when providing substance abuse services are subject to disciplinary action by the Board, including the suspension or revocation of licensure.

(2) Substance abuse services provided by a psychology practice through a psychology trainee completing the supervised experience requirement for licensure. Board regulations require that the trainee be supervised by a licensed psychologist competent to perform the professional services rendered by the trainee. See §§ 41.31 and 41.32 (relating to educational qualifications; and standards for supervisors). Psychologists who fail to meet this requirement when supervising a trainee who provides substance abuse services are subject to disciplinary action by the Board, including the suspension or revocation of licensure.

(3) Substance abuse services provided by a psychology practice through an unlicensed employee with graduate training in psychology. Board regulations require that the employee be supervised by a licensed psychologist competent to perform the professional services rendered by the employee. See § 41.58 (relating to standards for the employment and supervision of unlicensed persons with graduate training in psychology). Psychologists who fail to meet this requirement when supervising an unlicensed employee who provides substance abuse services are subject to disciplinary action by the Board, including the suspension or revocation of licensure.

Source

The provisions of this § 41.8 adopted April 2, 1993, effective April 3, 1993, 23 Pa.B. 1585.

LICENSES**§ 41.11. Licenses.**

(a) To be considered for admission to the examination provided in the act, an applicant shall first file with the Board or its designee:

- (1) A completed application form and the application fee.
- (2) Official transcripts of graduate work from an accredited college or university.
- (3) A criminal history records information report completed by the Pennsylvania State Police dated within 90 days of the application. If the applicant resides outside of this Commonwealth, the criminal history report shall be completed by the law enforcement agency responsible for criminal history reports in the jurisdiction where the applicant resides.
- (4) Child abuse history clearance completed by the Department of Public Welfare dated within 90 days of the application.
- (5) An internship verification form and job description.
- (6) Other forms or materials requested by the Board.

(b) An applicant who has demonstrated compliance with the education and experience requirements of the act and §§ 41.31 and 41.32 (relating to educational qualifications; and experience qualifications), who has completed the procedures in subsection (a), who has passed the examination provided for in the act and who has satisfied the other qualifications for licensure set out in the act shall be granted a license by the Board. Only the holder of a current license shall have the right and privilege of using the title “psychologist” and of practicing psychology. Other professionals may, however, use official titles and engage in the practice of psychology or do work of a psychological nature insofar as they are excepted from licensure by applicable provisions under section 3 of the act (63 P. S. § 1203).

(c) Each licensee is issued a wall certificate indicating initial licensure and a registration packet including a biennial renewal certificate and a wallet-size license card, both of which show the expiration date of the license. Licenses expire on November 30 of each odd-numbered year, regardless of the date of issuance.

(d) Licenses are renewable for a 2-year period beginning December 1 of each odd-numbered year. The fee for biennial renewal is set by the Board. See § 41.12 (relating to fees). Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101—1401-501) shall be added to the renewal fees of licensees who do not submit their renewal applications by December 1 of the year of expiration of their licenses. Upon renewing their licenses, licensees receive new biennial renewal certificates and wallet-size license cards which show the next expiration date of the license. These documents are the only evidence of valid, current licensure.

(e) Fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act shall be charged for duplicate wall certificates and biennial renewal documents. Duplicates will be issued only upon submission by the licensee of a notarized statement specifying that the original has been lost or destroyed and stating that the duplicate will be returned if the original is recovered.

Authority

The provisions of this § 41.11 amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 3.2(1) and (2), 3.3, 6, 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(1) and (2), 1203.3 and 1206, 1206(a)(2) and 1208(a)(6)).

Source

The provisions of this § 41.11 adopted February 6, 1976, effective February 7, 1976, 6 Pa.B. 229; amended March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2034; corrected April 27, 1990, effective April 14, 1990, 20 Pa.B. 2286; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; amended January 25, 2002, effective January 26, 2002, 32 Pa.B. 424; amended June 4, 2010, effective June 5, 2010, 40 Pa.B. 2947. Immediately preceding text appears at serial pages (290093) and (314747) to (314748).

Cross References

This section cited in 49 Pa. Code § 41.13 (relating to reactivation of license); and 49 Pa. Code § 41.30 (relating to qualifications and documentation necessary for licensure).

§ 41.12. Fees.

The schedule of fees charged by the Board is as follows:

Initial application fee	\$105
Reapplication fee—first time examination failure	\$20
Reapplication fee—subsequent examination failure	\$90
Certification fee	\$25
Verification fee	\$15
Biennial renewal fee	\$300
Application fee—continuing education sponsor/ provider approval	\$165
Fictitious/corporate name registration	\$80

Authority

The provisions of this § 41.12 issued under sections 476.1 and 812.1 of The Administrative Code of 1929 (71 P. S. §§ 180-6.1 (Repealed) and 279.3a); sections 6(a)(4) and 15 of the Professional Psychologists Practice Act (63 P. S. §§ 1206(a)(4) and 1215); and the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-201, 1401-221 and 1401-401); amended under sections 3.2(2), 3.3(a) and 6 of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(2), 1203.3(a) and 1206); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a).

Source

The provisions of this § 41.12 adopted January 23, 1981, effective January 24, 1981, 11 Pa.B. 408; amended September 30, 1983, effective September 20, 1983, 13 Pa.B. 2974; amended April 12, 1985, effective April 13, 1985, 15 Pa.B. 1360; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5332; amended February 9, 1990, effective February 10, 1990, 20 Pa.B. 808; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2034; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; amended July 17, 1992, effective July 18, 1992, 22 Pa.B. 3748; amended June 17, 1994, effective June 18, 1994, 24 Pa.B. 3027; amended December 22, 1995, effective December

23, 1995, and apply to examination fees charged on and after October 1, 1995, 25 Pa.B. 5969; amended April 30, 1999, effective May 1, 1999, 29 Pa.B. 2296; amended January 28, 2000, effective January 29, 2000, 30 Pa.B. 536; amended January 25, 2002, effective January 26, 2002, 32 Pa.B. 424; amended November 11, 2005, effective November 12, 2005, 35 Pa.B. 6230. Immediately preceding text appears at serial page (286900).

Cross References

This section cited in 49 Pa. Code § 41.11 (relating to licenses); 49 Pa. Code § 41.42 (relating to reexamination); and 49 Pa. Code § 41.52 (relating to persons licensed in other states).

§ 41.13. Reactivation of licensure.

(a) A person whose psychology license is inactive or has lapsed because of failure to register biennially with the Board shall apply for reactivation of licensure on forms prescribed by the Board, shall pay the renewal fee for the current biennium, shall show compliance with continuing education requirements (see § 41.59 (relating to continuing education)), and shall submit a notarized affidavit identifying periods of time during which the applicant for reactivation did not practice psychology in this Commonwealth or practiced in a setting where psychologists are exempt from licensure under section 3 of the act (63 P. S. § 1203). The late renewal fee described in subsection (b) and referenced in § 41.11(d) (relating to licenses) will not be imposed for periods of nonpractice or practice in an exempt setting.

(b) A person whose psychology license is inactive or has lapsed is prohibited from practicing psychology in this Commonwealth except in exempt settings as referenced in subsection (a). An applicant for reactivation of licensure who engaged in unauthorized practice in this Commonwealth shall pay a late renewal fee of \$5 for each month or part of a month during which the unauthorized practice occurred, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225). This fee is in addition to biennial renewal fees for bienniums during which unauthorized practice occurred. The payment of late fees and biennial renewal fees does not preclude the Board from taking disciplinary action against a person who practiced psychology in a nonexempt setting without a current license.

Authority

The provisions of this § 41.13 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.13 adopted January 15, 1993, effective January 16, 1993, 23 Pa.B. 264.

**PROFESSIONAL CORPORATIONS AND
FICTITIOUS NAMES**

§ 41.26. Professional corporations.

(a) A psychologist licensed by the Board may professionally incorporate with other licensed psychologists or with licensed chiropractors, medical doctors, nurses, optometrists, doctors of osteopathy, pharmacists, podiatrists, veterinarians, dentists, engineers, nursing home administrators, physical therapists, occupational therapists, audiologists, speech-language pathologists, teachers of the hearing impaired and social workers, if the incorporation is also authorized by Chapters 5, 17, 21, 23, 25, 27, 29, 31, 33, 37, 39, 40, 42, 45 and 47.

(b) The articles of incorporation and registry statement of the proposed corporation shall be filed with the Board for review and approval prior to their submission to the Corporation Bureau. The filer shall identify all parties with an ownership interest in the business and all licensed or unlicensed professional staff.

(c) The name of a professional corporation must be approved by the Board prior to its use. Names which contravene the ethical principles set out in § 41.61 (relating to Code of Ethics) or which, when regarded in their entirety, are false, misleading or deceptive will be disapproved. When applied to names which limit the practice to a particular area of psychology—for example, neuropsychology, clinical psychology or biofeedback—these standards of review require the filer to submit documentation of training sufficient to establish the credentials in that area of the relevant service providers.

(d) Psychologists who establish multi-disciplinary practices with nonpsychologists shall ensure that announcements of services to the public accurately represent the professions of service providers.

Authority

The provisions of this § 41.26 issued under section 476.1 of The Administrative Code of 1929 (71 P. S. § 180-6.1(b)(2)); and section 7 of the Professional Corporation Law (15 P. S. § 2907(b)(2)); amended under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.26 adopted March 30, 1984, effective March 31, 1984, 14 Pa.B. 1085; amended June 12, 1992, effective June 13, 1992, 22 Pa.B. 2982. Immediately preceding text appears at serial page (156464).

§ 41.27. Fictitious names.

(a) A psychologist practicing as a sole proprietor or in association with other psychologists in a business form other than a professional corporation may do business under a fictitious name.

(b) A fictitious name registration shall be filed with the Board for review and approval prior to its submission to the Corporation Bureau. The filer shall identify all parties with an ownership interest in the business and all licensed or unlicensed professional staff.

(c) A fictitious name must be approved by the Board prior to its use. Names which contravene the ethical principles set out in § 41.61 (relating to Code of Ethics) or which, when regarded in their entirety, are false, misleading or deceptive will be disapproved. When applied to names which limit the practice to a particular area of psychology—for example, neuropsychology, clinical psychology or biofeedback—these standards of review require the filer to submit documentation of training sufficient to establish the credentials in that area of all relevant service providers.

Authority

The provisions of this § 41.27 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.27 adopted June 12, 1992, effective June 13, 1992, 22 Pa.B. 2982.

§ 41.30. Qualifications and documentation necessary for licensure.

(a) To qualify for licensure, an applicant shall complete the educational requirements in § 41.31 (relating to educational qualifications), the experience requirements in § 41.32 (relating to experience qualifications) and the examination requirements in § 41.41 (relating to examinations).

(b) An applicant for licensure shall submit an application and fee to the Board plus:

(1) In a sealed envelope, signed by the primary supervisors on the envelope flap, verification of post doctoral experience form, quarterly evaluations/progress reports, which include objectives, prepared during the course of supervision, and a letter describing the supervisory interactions and the supervisor's judgment of the applicant's potential as a psychologist.

(2) An updated criminal history records information report unless submitted to the Board within 90 days of the application for licensure under § 41.11(a)(3) (relating to licenses).

(3) An updated Child Abuse History Clearance unless submitted to the Board within 90 days of the application for licensure under § 41.11(a)(3).

Authority

The provisions of this § 41.30 issued under sections 3.2(1), 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(1), 1206(a)(2) and 1208(a)(6)).

Source

The provisions of this § 41.30 adopted June 4, 2010, effective June 5, 2010, 40 Pa.B. 2947.

QUALIFICATIONS**§ 41.31. Educational qualifications.**

To meet the education requirements for licensure under section 6 of the act (63 P. S. § 1206), an applicant shall complete the requirements for a doctoral degree in psychology or a field related to psychology as defined in § 41.1 (relating to definitions). The following documentation evidences compliance:

(1) For degree holders from a program in the United States, Canada or United States territories, a Verification of Doctoral Program Approval Status completed by the program's director reflecting accreditation by the APA or CPA or designation by the ASPPB/National Register Designation Project within 1 year from the award of the doctoral degree, and an official transcript from the registrar.

(2) For degree holders from a foreign college or university, an evaluation completed by the National Register evidencing compliance with the educational requirements for degree holders from foreign colleges or universities in § 41.1. The Board will make a determination regarding the applicant's compliance based upon the evaluation.

(3) An applicant who does not meet the criteria in paragraph (2) shall complete supplemental education or training, or both, from a program accredited by the APA or the CPA or designated by ASPPB/National Register Designation Project based upon an evaluation of the deficiency by the program. The program director shall certify that the supplemental coursework or experience, or both, makes the applicant equivalent to a graduate of that program.

(4) First-time applicants who enroll in a graduate degree program in psychology or a field related to psychology on or after July 1, 2008, will be evaluated under these regulations. Applicants enrolled prior to this date will be evaluated under regulations in effect at the time of enrollment. Reapplicants under § 41.42(b) (relating to reexamination) will be evaluated under regulations in effect at the time of reapplication.

(5) First time applicants who were enrolled in a doctoral degree program prior to March 23, 1991, will have their education credentials evaluated under regulations in effect at that time. Applicants who apply under § 41.42(b) will have their credentials evaluated under regulations in effect at the time of reapplication.

Authority

The provisions of this § 41.31 amended under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a); and sections 3.2(1) and (2), 3.3, 6, 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(1) and (2), 1203.3, 1206, 1206(a)(2) and 1208(a)(6)).

Source

The provisions of this § 41.31 adopted February 6, 1976, effective February 7, 1976, 6 Pa.B. 229; amended March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended September 8, 1978, effective September 9, 1978, 8 Pa.B. 2530; amended April 13, 1990, effective April 14, 1990, 20 Pa.B. 2034; corrected April 27, 1990, effective April 14, 1990, 20 Pa.B. 2286; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; amended November 15, 1991, effective November 16, 1991, 21 Pa.B. 5343; amended January 25, 2002, effective January 26, 2002, 32 Pa.B. 424; amended June 2, 2006, effective June 3, 2006, 36 Pa.B. 2680; amended July 21, 2006, effective July 22, 2006, 36 Pa.B. 3813; amended June 4, 2010, effective June 5, 2010, 40 Pa.B. 2947. Immediately preceding text appears at serial pages (321983) to (321984), (319677) to (319678) and (321985).

Cross References

This section cited in 49 Pa. Code § 41.1 (relating to definitions); 49 Pa. Code § 41.8 (relating to Department of Health licensing of substance abuse services provided by psychology practices—statement of policy); 49 Pa. Code § 41.11 (relating to licenses); 49 Pa. Code § 41.30 (relating to qualifications and documentation necessary for licensure); and 49 Pa. Code § 41.41 (relating to examinations).

§ 41.32. Experience qualifications.

To meet the experience requirements for licensure under section 6 of the act (63 P. S. § 1206), an applicant shall complete 1 year of acceptable postdoctoral supervised experience.

(1) *Timing.*

(i) One year is calculated as a period of at least 12 months consisting of at least 1,750 hours of experience.

(ii) No more than 45 hours but no less than 15 hours of experience may be counted per week.

(iii) Fifty percent of the required hours must be obtained performing diagnosis, assessment, therapy, other interventions, supervision or consultation and receiving supervision or consultation. The remaining required hours may be obtained by teaching in association with an organized psychology program preparing practicing psychologists or a postdoctoral training program, psychological research or any of the categories listed in this paragraph.

(iv) The total experience must be obtained within 10-calendar years from the award of the doctoral degree. A psychologist who cannot meet this time frame due to hardship or medical necessity may apply to the Board in writing for a waiver. The request must include a description of circumstances sufficient to show why compliance was impossible. Waiver requests will be evaluated by the Board on a case-by-case basis and will be approved or disapproved at its discretion.

(v) The required experience may be obtained at more than one entity simultaneously, if the following criteria are met:

(A) The experience is obtained for each entity for a minimum of 6 consecutive months.

(B) The experience occurs for a minimum of 15 hours per week at each setting.

(C) The total experience for all settings does not exceed 45 hours per week.

(D) The experience complies with the requirements in paragraphs (2) and (3).

(2) *Acceptable experience.*

(i) The practice at an entity in which experience is obtained must be consistent with the psychology resident's education and training.

(ii) No experience may be obtained where the psychology resident acts independently (for example, as a qualified member of another recognized profession under section 3(3) of the act (63 P. S. § 1203(3))).

(3) *Supervision.* All experience, including that obtained during consultation, must be obtained under the supervision of a primary supervisor.

(i) *Primary supervisors.* If the experience is obtained from more than one entity, the psychology resident shall obtain a primary supervisor for each entity.

(ii) *Delegated supervisors.* The primary supervisor may delegate supervision over the psychology resident to a delegated supervisor for up to 1 hour per week.

(4) *Exceptional circumstances.* A psychology resident who cannot comply with the supervisory requirements, may, upon a showing of exceptional circumstances, request the Board to approve a detailed written plan for supervision. The granting of such a request is at the Board's discretion. The Board will evaluate each plan submitted and each psychology resident's situation on a case-by-case basis.

(5) *Effective date.* First-time applicants for licensure who commenced postdoctoral supervised experience prior to December 6, 2010, will have their postdoctoral experience credentials evaluated under regulations in effect prior to that date. Applicants who commence postdoctoral supervised experience after that date will have their postdoctoral experience evaluated under the regulations in effect at that time.

(6) *Supervised practice following completion of training.* Upon completion of the required supervisory hours, a psychology resident may practice psychology under the supervision of a licensed psychologist until the psychology resident obtains a license, under § 41.58 (relating to standards for the employment and supervision of unlicensed persons with graduate training in psychology) or may practice psychology in exempt settings under section 3(4), (6), (8) and (10) of the act (63 P. S. § 1203(4), (6), (8), and (10)).

Authority

The provisions of this § 41.32 amended under section 3.2(1) and (2), 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(1) and (2), 1206(a)(2) and 1208(a)(6)).

Source

The provisions of this § 41.32 adopted February 6, 1976, effective February 7, 1976, 6 Pa.B. 229; amended March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; amended June 4, 2010, effective June 5, 2010, 40 Pa.B. 2947. Immediately preceding text appears at serial pages (321985) to (321986) and (294157).

Cross References

This section cited in 49 Pa. Code § 41.8 (relating to Department of Health licensing of substance abuse services provided by psychology practices—statement of policy); 49 Pa. Code § 41.11 (relating to licenses); and 49 Pa. Code § 41.30 (relating to qualifications and documentation necessary for licensure).

§ 41.33. Supervisors.

- (a) Primary and delegated supervisors are required to:
- (1) Be currently licensed while providing supervision.
 - (2) Be qualified by training and experience to practice in the psychology resident's areas of supervised practice.
 - (3) Own, be an employee of, or be in contract status with the entity employing the psychology resident.
 - (4) Review issues of practice and ethics with the psychology resident.
 - (5) Meet individually face-to-face with the psychology resident for an average supervisory total of at least 2 hours per week.
 - (6) Maintain notes or records of scheduled supervisory sessions until the psychology resident obtains a license or for at least 10 years, whichever is greater.
 - (7) Ensure that the psychology resident's status is made known to client/patients and to third-party payors.
 - (8) Prepare written evaluations/progress reports at least quarterly delineating the psychology resident's strengths and weaknesses. These evaluations/reports must be included with the applicant's application for licensure.
- (b) Primary and delegated supervisors may not:
- (1) Be subject to the psychology resident's control or influence.
 - (2) Be related to the psychology resident by blood or marriage.
 - (3) Be involved in a dual relationship, as defined in Principle 6(b) of the Code of Ethics (§ 41.61, Principle (B)), with the psychology resident.
 - (4) Treat or have treated the psychology resident.
 - (5) Be the subject of an active suspension or revocation by a licensing board. In the event that disciplinary action is taken against the supervisor during the supervisory period, the supervisor shall immediately notify the psychology resident and assist the psychology resident in immediately obtaining a new supervisor.
 - (6) Accept fees, honoraria, favors or gifts from the psychology resident.
- (c) In addition to the responsibilities for primary and delegated supervisors in subsection (a), primary supervisors shall:

- (1) Beginning December 1, 2015, complete either a course in supervision from a psychology doctoral degree program or 3 hours of continuing education in supervision.
- (2) Develop with the psychology resident objectives to be achieved during supervision.
- (3) Be accessible to the psychology resident for consultation and to clients/patients of the psychology resident to answer questions and respond to concerns.
- (4) Be responsible to each client/patient for psychology services provided by the psychology resident.
- (5) Be authorized to interrupt or terminate the services being provided by the psychology resident to a client/patient and, if necessary, to terminate the supervisory relationship.
- (6) Observe client/patient sessions of the psychology resident or review verbatim recordings of these sessions on a quarterly basis.
- (7) At least quarterly, in supervisory meetings, evaluate and apprise the psychology resident about areas of progress and needed improvement, recommend applicable professional literature and assist the resident in gaining a level of skill necessary for independent practice.
- (8) Assist the psychology resident in working with professionals in other disciplines as indicated by the needs of each client/patient and periodically observe these cooperative encounters.
- (9) Ensure that the psychology resident has access to multidisciplinary consultation, as necessary.
- (10) Monitor the supervision provided by any delegated supervisor.
- (11) At the conclusion of the period of supervision, evaluate the psychology resident's level of professional competence and theoretical knowledge in the areas of assessment, diagnosis, effective interventions, consultation, evaluation of programs, supervision of others, strategies of scholarly inquiry, cultural/individual diversity and professional conduct. This evaluation must be signed and included as part of the verification of post doctoral experience submitted to the Board with the applicant's application for licensure.

Authority

The provisions of this § 41.33 issued under sections 3.2(1), 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(1), 1206(a)(2) and 1208(a)(6)).

Source

The provisions of this § 41.33 adopted June 4, 2010, effective June 5, 2010, 40 Pa.B. 2947.

Cross References

This section cited in 49 Pa. Code § 41.1 (relating to definitions).

EXAMINATIONS**§ 41.41. Examinations.**

(a) To be eligible to take the licensure examinations, the applicant shall have obtained a doctoral degree in psychology or a field related to psychology and completed all degree requirements in § 41.31 (relating to educational qualifications).

(b) Applicants shall obtain a passing score on the Examination for Professional Practice In Psychology and the Pennsylvania Psychology Law Examination to qualify for licensure. Information about the contents of the examinations is available from the Board office.

(c) An applicant who has been deemed ineligible to take the examinations shall be notified in writing of the reasons for ineligibility, whereupon the applicant may, within 30 days of the notice, correct the causes for the ineligibility or file a request for reconsideration. A request for reconsideration must give the reasons for the applicant's request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider, and may include a request for an informal interview before the Board.

Authority

The provisions of this § 41.41 amended under sections 3.2(1) and (2), 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(1) and (2), 1206(a)(2) and 1208(a)(6)).

Source

The provisions of this § 41.41 adopted February 6, 1976, effective February 7, 1976, 6 Pa.B. 229; amended March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; amended May 22, 1998, effective May 23, 1998, 28 Pa.B. 2412; amended December 6, 2002, effective December 7, 2002, 32 Pa.B. 5956; amended June 4, 2010, effective June 5, 2010, 40 Pa.B. 2947. Immediately preceding text appears at serial page (294157).

Cross References

This section cited in 49 Pa. Code § 41.30 (relating to qualifications and documentation necessary for licensure).

§ 41.42. Reexamination.

(a) After first-time failure, candidates may take a second examination upon filing an updated application and paying the reapplication fee—first time examination failure specified in § 41.12 (relating to fees), but only after the expiration of 6 months and within 2 years following the first examination date.

(b) After subsequent unsuccessful examinations, applicants may reapply to take any portion of the examination after 60 days following the failure, but shall satisfy the administrative, education and experience requirements prevailing at the time of the reapplication, file a verification of experience form and pay the reapplication fee—subsequent examination failure specified in § 41.12.

(c) The applicant will be judged pass or fail on the basis of the standards prevailing at the time of reexamination.

(d) No applicant will be permitted to sit for more than four examinations in any 1-year period.

Authority

The provisions of this § 41.42 amended under section 3.2(1) and (2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(1) and (2)).

Source

The provisions of this § 41.42 adopted February 6, 1976, effective February 7, 1976, 6 Pa.B. 229; amended May 27, 1977, effective May 28, 1977, 7 Pa.B. 1426; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; amended January 25, 2002, effective January 26, 2002, 32 Pa.B. 424; amended December 6, 2002, effective December 7, 2002, 32 Pa.B. 5956. Immediately preceding text appears at serial page (286910).

Cross References

This section cited in 49 Pa. Code § 41.31 (relating to educational qualifications).

§ 41.43. Waiver of examination.

(a) Under section 3.2(6) of the act (63 P. S. § 1203.2(6)), the Board may waive examination and grant a license in cases it deems exceptional by virtue of the applicant's international or national reputation for having made an extraordinary contribution to the science or practice of psychology, if, in the opinion of the Board, the applicant possesses current competency to practice.

(b) Applicants seeking licensure without examination under this section shall formally petition the Board in writing to consider documentation supporting their request for a waiver.

(c) Each decision on a petition for waiver shall be within the discretion of the Board and shall be communicated to the applicant in writing, with the reasons for the decision specified.

Authority

The provisions of this § 41.43 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.43 adopted March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171.

MISCELLANEOUS**§ 41.51. Areas of acceptable practice.**

The Board requires psychology trainees and licensees to limit their practices to areas of demonstrated competence, as expounded in Principle 2 of § 41.61 (relating to Code of Ethics).

Authority

The provisions of this § 41.51 amended under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

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Source

The provisions of this § 41.51 adopted February 6, 1976, effective February 7, 1976, 6 Pa.B. 229; amended March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171. Immediately preceding text appears at serial page (123345).

Cross References

This section cited in 49 Pa. Code § 41.8 (relating to Department of Health licensing of substance abuse services provided by psychology practices—statement of policy).

§ 41.52. Persons licensed in other states.

(a) A person who holds a current license or certificate to practice psychology issued by a statutory board of psychologist examiners of a state with requirements for licensure which are deemed by the Board to be equivalent to those of the Commonwealth may be exempt from examination. Application for licensure under these circumstances shall be made on forms supplied by the Board and shall be accompanied by the initial application fees specified in § 41.12 (relating to fees).

(b) An applicant who has passed the National portion of the examination with a score equivalent to or higher than the passing score then prevailing in this Commonwealth will not be required to repeat this portion of the examination.

(c) In accordance with section 3(7) of the act (63 P. S. § 1203(7)), a psychologist licensed for independent practice by a statutory board of psychologist examiners of another state or a province of Canada, whose license is current and in good standing, may practice psychology on temporary assignment in this Commonwealth for up to 6 months, after written notification to the Board and receipt from the Board, in writing, of temporary permission to practice. The Board will grant no more than one extension of the 6-month period, the extension not to exceed an additional 6 months. Requests for extensions shall be made to the Board in writing. A psychologist on temporary assignment in this Commonwealth for an aggregate of no more than 14 days is exempted from the notification requirement.

Authority

The provisions of this § 41.52 amended under section 3.2(1) and (2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(1) and (2)).

Source

The provisions of this § 41.52 adopted March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; amended May 22, 1998, effective May 23, 1998, 28 Pa.B. 2412; amended December 6, 2002, effective December 7, 2002, 32 Pa.B. 5956. Immediately preceding text appears at serial pages (244929) to (244930).

Cross References

This section cited in 49 Pa. Code § 41.59 (relating to continuing education).

§ 41.53. Adoption of Board procedures.

As necessary, the Board will adopt procedures to assist it in processing applications in an orderly fashion.

Authority

The provisions of this § 41.53 amended under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.53 adopted March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171. Immediately preceding text appears at serial page (123346).

§ 41.54. [Reserved].**Source**

The provisions of this § 41.54 adopted July 25, 1986, effective July 26, 1986, 16 Pa.B. 2719; amended March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171; reserved May 22, 1998, effective May 23, 1998, 28 Pa.B. 2412. Immediately preceding text appears at serial pages (206244) to (206246).

§ 41.55. Communications to and from the Board.

The Board will give official consideration only to communications which are made in writing and which are directed to the Board office. Communications from the Board will not be deemed official unless they are authorized by the Board or are generated in writing by an officer of the Board. Unilateral communications from individual Board members are not official Board communications.

Authority

The provisions of this § 41.55 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.55 adopted March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171.

§ 41.56. Private practice by certified school psychologists.

Under section 3(10) of the act (63 P. S. § 1203(10)), school psychologists certified by the Department of Education may perform in private practice those acts which they are permitted to perform in the public and private schools of this Commonwealth. A person engaged in the private practice of school psychology under this section shall satisfy the following criteria:

[Next page is 41-25.]

- (1) The person shall hold a current certificate as an Educational Specialist I or II in school psychology issued by the Department of Education.
- (2) Concurrently with engaging in private practice, the person shall be employed in a school in this Commonwealth as a school psychologist in good standing.

Authority

The provisions of this § 41.56 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.56 adopted March 22, 1991, effective March 23, 1991, 21 Pa.B. 1171.

§ 41.57. Professional records.

- (a) This section sets out the Board's minimum requirements for the maintenance of professional records by psychologists. These requirements express the Board's belief that a psychologist's commitment to the welfare of a client/patient includes the duty to record accurately that person's progress through the evaluation and intervention process. Compliance with this section does not excuse psychologists from complying with stricter standards otherwise imposed by State or Federal law or regulation or by institutional requirements.
- (b) A psychologist shall maintain a legible record for each client/patient which includes, at a minimum:
 - (1) The name and address of the client/patient and, if the client/patient is a minor, the names of the parents or the name of the legal guardian. If a minor's parents are separated, notation of legal custodial arrangements is required.
 - (2) The presenting problem or purpose or diagnosis.
 - (3) The fee arrangement.
 - (4) The date and substance of each service contact.
 - (5) Test results or other evaluative results obtained and basic test data from which they were derived.
 - (6) Notation and results of formal consults with other providers.
 - (7) A copy of all test or other evaluative reports prepared as part of the professional relationship.
 - (8) Authorizations, if any, by the client/patient for release of records or information.
- (c) A psychologist shall store and dispose of written, electronic and other records in a manner which insures their confidentiality.
- (d) To meet the requirements of this section, so as to provide a formal record for review, but not necessarily for other legal purposes, a psychologist shall assure that all data entries in professional records are maintained for at least 5 years after the last date that service was rendered. A psychologist shall also abide

by other legal requirements for record retention, even if longer periods of retention are required for other purposes.

(e) A psychologist shall provide for the confidential disposition of records in the event of the psychologist's withdrawal from practice, incapacity or death.

(f) Failure to comply with this section shall subject the violator to disciplinary action under section 8(a)(15) of the act (63 P. S. § 1208(a)(15)).

Authority

The provisions of this § 41.57 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.57 adopted June 12, 1992, effective June 13, 1992, 22 Pa.B. 2980.

§ 41.58. Standards for the employment and supervision of unlicensed persons with graduate training in psychology.

(a) *Statutory authority and purpose.* Under section 3(12) of the act (63 P. S. § 1203(12)), psychologists licensed by the Board may employ "professional employes with graduate training in psychology," who "shall perform their duties under the full direction, control and supervision of a licensed psychologist." Section 41.58 sets standards for the employment and supervision of unlicensed persons who come within the statutory language. Section 41.58 does not apply to persons completing the experience requirement for licensure, to employes who are licensed and regulated by other Boards in the Bureau, or to employes of psychologists practicing in settings exempted from the licensure requirement under section 3(4), (6), (8) and (10) of the act.

(b) *Responsibilities of employing psychologists and supervising psychologists.* The employing psychologist shall ensure that the employe has satisfied the education requirement set out in the definition of "graduate training in psychology" in § 41.1 (relating to definitions) and shall bear full professional responsibility for the welfare of every client/patient served by the employe. The employing psychologist shall supervise the employe as set out in subsection (c) or shall assign the supervisory function to another licensed psychologist affiliated with the employment setting. A supervising psychologist shall be qualified to render competently every psychological service which the employe undertakes, except that clearly defined areas of the employe's supervision may be delegated to other professionals affiliated with the employment setting whose competence in the delegated areas has been demonstrated by previous education, training and experience. Although the employing psychologist shall continue to bear the ultimate responsibility for services rendered by the employe, a psychologist who supervises an unlicensed person under this section shall be individually responsible for activities of that person performed under the psychologist's supervision or pursuant to the psychologist's delegation.

(c) *Supervision requirements.* The Board recognizes that variations in the training of unlicensed employees will require individually tailored supervision. The following are the minimum supervisory requirements acceptable to the Board:

(1) The supervisor shall ensure that the employe possesses skills commensurate with the work assigned.

(2) The supervisor shall plan all service delivery procedures in consultation with the employe. The supervisor shall acquire knowledge of clients/patients, through face-to-face contact when necessary, sufficient to carry out this duty effectively.

(3) The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards. These standards require regular face-to-face consultation with the employe, either individually or in a group. In particular, the supervisor shall acquaint the employe with the Code of Ethics found in § 41.61 (relating to Code of Ethics) and shall, under that section, be accountable for ethical violations by the employe.

(4) The supervisor shall be available for emergency consultation and intervention.

(5) The supervisor shall maintain an ongoing record detailing the activities in which the employe is engaged, the level of competence in each, and the outcome of all procedures.

(6) The supervisor shall ensure that the employe signs all reports, records and other communications prepared by the employe for distribution or maintenance within the employment setting. Written communications prepared by the employe for distribution outside the employment setting shall be signed by the employe and countersigned as “reviewed and approved by” the supervisor.

(7) The supervisor shall ensure that the employe’s supervised status is made known to clients/patients and that the employe’s title clearly indicates this status. The supervisor shall provide clients/patients with specific information regarding the employe’s qualifications and functions.

(8) The supervisor shall inform clients/patients of the employe about the possibility of periodic meetings with the supervisor at their or the supervisor’s request.

(9) The supervisor shall simultaneously supervise no more than three full-time or their equivalent in part-time employees. Designation of full-time and part-time shall be made in accordance with the employer’s own personnel policy.

(d) *Billing and public announcements.* The employing psychologist shall disclose the unlicensed, supervised status of the employe when billing for psychological services of the employe and in public announcements of services and fees involving the employe.

(e) *Noncompliance.* Noncompliance with this section will be considered unprofessional conduct and will subject the noncomplying psychologist to disciplinary action under section 8(b) of the act (63 P. S. § 1208(b)).

Authority

The provisions of this § 41.58 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.58 adopted June 12, 1992, effective June 13, 1992, 22 Pa.B. 2982.

Notes of Decisions*Confidentiality*

The privilege accorded psychotherapist-client communications is subject to qualification after the client's death where: (1) there is an ongoing criminal investigation; (2) the client is not the alleged offender; (3) the criminal investigation concerns the client's death; (4) the inquiry is in the context of a grand jury proceeding; and, (5) the evidence sought is relevant to the Commonwealth's case against a third party. *In re Subpoena No. 22, 709 A.2d 385* (Pa. Super. 1998).

Cross References

This section cited in 49 Pa. Code § 41.8 (relating to Department of Health licensing of substance abuse services provided by psychology practices—statement of policy); and 49 Pa. Code § 41.32 (relating to experience qualifications).

§ 41.59. Continuing education.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Biennium—The period from December 1 of an odd-numbered year to November 30 of the next odd-numbered year.

CEU—Continuing Education Unit—A unit for measuring contact hours of continuing education. One CEU equals 10 contact hours.

Contact hour—A unit of measure equaling 50 to 60 minutes of participation in an approved continuing education course or program.

(b) *Continuing education requirement for biennial renewal.* As a condition of biennial license renewal, a psychologist shall have completed during the preceding biennium a minimum of 30 contact hours (3 CEUs) of continuing education in acceptable courses, programs or activities which shall include at least 3 contact hours per biennium in ethical issues. Up to 10 contact hours in excess of 30 from the immediately preceding biennium may be carried over from one biennium to the next. Excess hours in ethical issues may not be used to satisfy the ethics requirement for the succeeding biennium but may be credited toward the total requirement.

(c) *Reports to the Board.* A psychologist shall certify to compliance with the contact hours requirement at the time of biennial renewal. A psychologist shall retain for at least two bienniums, certificates, transcripts or other documentation showing completion of the prescribed number of contact hours. These records are subject to audit by the Board.

(d) *Approved sponsors; acceptable courses and programs.*

(1) Courses and programs approved by Board-approved sponsors will be accepted as satisfying all or part of the continuing education requirement. It is the responsibility of the psychologist to ascertain the approval status of the sponsor before undertaking a continuing education activity.

(2) Irrespective of the sponsor, the Board reserves the right to reject a continuing education course/program submitted by a psychologist if it is outside

the scope of practice of psychology or is otherwise unacceptable because of presentation or content. The Board will not accept courses/programs which are unrelated to the actual practice of psychology—for example, instruction in office management or practice building. A psychologist will be notified of a rejected course/program in writing, along with the reason for the rejection.

(3) The Board has approved the following sponsors:

(i) Accredited colleges or universities as long as the course/program corresponds to the scope of practice of psychology and generates semester/quarter hour credit.

(ii) The American Psychological Association (APA) and APA-approved sponsors.

(iii) Sponsors approved by the American Medical Association who meet the criteria of paragraph (4). Programs offered by these sponsors shall relate to the practice of psychology.

(4) The Board will consider for approval, on a biennial basis, National and regional professional associations which offer courses and programs for psychologists, and sponsors approved by these associations. An association seeking Board approval for itself or its sponsors shall submit an application to the Board. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The Board will not approve a sponsor unless it:

(i) Offers courses/programs with specific learning objectives.

(ii) Has a procedure for determining consumers' perceptions of the extent to which the objectives have been met.

(5) The Board may withdraw approval of a sponsor for cause. The sponsor will be notified in writing of the reasons for withdrawal of approval.

(e) *Home study.* A psychologist may accrue up to 15 of the required contact hours in home study courses offered by approved sponsors as long as the course has specific learning objectives and the sponsor evaluates the extent of learning that has taken place.

(f) *Instruction.*

(1) A psychologist may accrue up to 15 of the required contact hours by offering one of the following:

(i) A course in psychology for a regionally accredited college or university if the course generates semester/quarter hour credit.

(ii) A workshop for an approved sponsor.

(2) A clock hour of instruction equals 1 contact hour. An individual course or workshop may be credited to the instructor only once every 4 years. The hours of continuing education granted to a psychologist who participates as a workshop instructor will be determined by dividing the number of continuing education hours granted for the workshop by the number of instructors participating in the workshop.

(g) *Professional writing.*

(1) A psychologist may accrue the equivalent of up to 10 of the required contact hours by writing one of the following:

(i) An article published in a journal abstracted in PSYCHLIT.

(ii) A chapter, or more, in a text or trade book for psychologists published by a commercial publisher or a state or National psychological association.

(2) No more than 10 contact hour equivalents of professional writing may be granted for one article or chapter published during the preceding biennium. Ten hours per publication, divided by the number of authors, will result in the number of contact hours granted per person per publication.

(h) *Exemptions and prorations.*

(1) The Board will exempt from the continuing education requirement a psychologist who received a license within 2 years of the psychologist's first application for biennial renewal.

(2) A psychologist who is licensed under § 41.52 (relating to persons licensed in other states) shall comply with the continuing education requirement, but the psychologist's contact hours will be prorated on a quarterly basis from the date of licensure in this Commonwealth to the next biennial renewal date. Each quarter will consist of 3 months. Beginning with the quarter immediately following licensure in this Commonwealth, at least 3.75 contact hours (.375 CEU) shall be earned for each quarter.

(i) *Reinstatement of licensure.* Reinstatement of licensure shall be subject to the following conditions:

(1) A person whose license has lapsed or been inactive shall show compliance with the continuing education requirement during the biennium immediately preceding the request for reinstatement.

(2) A person whose license has been suspended or restricted shall show compliance with the continuing education requirement during the period of suspension or restriction.

(j) *Waivers.* A psychologist who cannot meet the continuing education requirement may apply to the Board in writing for a waiver. The request shall include a description of circumstances sufficient to show why compliance is impossible. Waiver requests will be evaluated by the Board on a case-by-case basis and will be approved or disapproved at its discretion.

(k) *Curing deficiencies.* A psychologist with a deficiency in contact hours may apply to the Board in writing for leave to make up the contact hours in arrears. The request shall include an explanation of why the deficiency occurred and a plan, along with the estimated time needed, for curing it. Requests will be evaluated by the Board on a case-by-case basis and will be approved or disapproved at its discretion.

Authority

The provisions of this § 41.59 issued under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)); amended under sections 3.2(2) and 15 of the Professional Psychological Practice Act (63 P. S. §§ 1203.2(2) and 1215).

Source

The provisions of this § 41.59 adopted June 12, 1992, effective July 13, 1992, 22 Pa.B. 2982; amended December 19, 1997, effective December 1, 1997, 27 Pa.B. 6566; amended April 26, 2002, effective April 27, 2002, 32 Pa.B. 2114. Immediately preceding text appears at serial pages (247962) and (238343) to (238345).

Cross References

This section cited in 49 Pa. Code § 41.13 (relating to reactivation of license).

CODE OF ETHICS**§ 41.61. Code of Ethics.**

Whereas the Board is empowered by section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)), to promulgate rules and regulations, including, but not limited to, a code of ethics for psychologists in this Commonwealth and whereas the Board finds and determines that the following rules are necessary to establish and maintain the high standard of integrity and dignity in the profession of psychology and are necessary in the public interest to protect the public against unprofessional conduct on the part of a psychologist, in accordance with the act, the Board does hereby adopt this code of ethics for psychologists in this Commonwealth. Psychology students, interns, residents and trainees are put on notice that their violation of an ethical obligation imposed on psychologists by this section may be regarded by the Board as evidence of unac-

ceptable moral character or of unacceptable supervised experience disqualifying them from licensure under section 6(a)(1) or (2) of the act (63 P. S. § 1206(a)(1) and (2)). Licensed psychologists are put on notice that an ethical violation by an individual rendering or offering to render psychological services under their supervision, as provided by the act, may result in disciplinary proceedings against the supervisor under section 8(a) of the act (63 P. S. § 1208(a)).

Preamble

Psychologists respect the dignity and worth of the individual and honor the preservation and protection of fundamental human rights. They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of that knowledge for the promotion of human welfare. While pursuing these endeavors, they make every effort to protect the welfare of those who seek their services or of a human being or animal that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom in inquiry and communication, psychologists accept the responsibility this freedom requires: competence, objectivity in the application of skills, and concern for the best interests of clients, colleagues and society in general.

Principle 1. Responsibility.

(a) In their commitment to the understanding of human behavior, psychologists value objectivity and integrity, and in providing services they maintain the highest standards of their profession. They accept responsibility for the consequences of their work and make every effort to insure that their services are used appropriately.

(b) As scientists, psychologists accept responsibility for the selection of their research topics and the methods used in investigation, analysis and reporting. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion on the limitations of their data, especially when their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic or other social groups. In publishing reports of their work, they never suppress disconfirming data, and they acknowledge the existence of alternative hypotheses and explanations of their findings. Psychologists take credit only for work they have actually done.

(c) Psychologists clarify in advance with appropriate persons and agencies the expectations for sharing and utilizing research data. They avoid relationships that may limit their objectivity or create a conflict of interest. Interference with the milieu in which data are collected is kept to a minimum.

(d) Psychologists have the responsibility to attempt to prevent distortion, misuse or suppression of psychological findings by the institution or agency of which they are employees.

(e) As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

(f) As owners or participants in ownership of a professional corporation, psychologists retain full professional liability to persons who, in the course of a professional relationship, suffer personal injury by reason of their actions or omissions.

(g) As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully and accurately.

(h) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial or political situations and pressures that might lead to misuse of their influence.

(i) As professionals utilizing computerized assessments or computer-generated data, psychologists abide by the following principles:

(1) The professional psychologist is legally and ethically responsible for psychological assessment and the generation and use of data as a service to the public.

(2) When the results of computerized testing are provided to a psychologist, that psychologist becomes responsible for their use.

(3) When the results of computerized testing are provided to a nonpsychologist, the psychologist shall provide to the nonpsychologist a psychological assessment and evaluation according to current standards for noncomputerized psychological assessments.

Principle 2. Competency.

(a) The maintenance of high standards of professional competence is a responsibility shared by psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They provide only services and use only techniques for which they are qualified by education and training, consistent with the American Psychological Association's *General Guidelines for Providers of Psychological Services*. In areas in which recognized standards do not yet exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

(b) The psychologist discourages the practice of psychology by unqualified persons and assists the public in identifying psychologists competent to give dependable professional service. When a psychologist or person identifying himself as a psychologist, either as a licensed practitioner or as an applicant for licensure identified as a psychologist-in-training, violates ethical standards, psy-

chologists who know first hand of these activities attempt to rectify the situation. When such a situation cannot be dealt with informally, it is called to the attention of the Board.

(c) Psychologists regarded as qualified for independent practice in this Commonwealth are those who have been licensed by the Board. Individuals who do not yet meet the qualifications recognized for independent practice shall gain experience under qualified supervision, as employes, interns or students, until they pass the licensing examination of the Board. An ownership interest by a person who provides direct services to a client in a business which provides psychological services constitutes independent practice.

(d) Psychologists accurately represent their competence, education, training and experience. They claim as evidence of psychological educational qualifications only those degrees obtained from institutions accredited by a regional accrediting association approved by the Commission on Recognition of Postsecondary Accreditation (CORPA). Degrees earned from foreign colleges and universities may be represented only if they are determined to be equivalent to the degrees conferred by these accredited institutions. Determinations of equivalency shall be made by an agency acceptable to the Board, subject to the Board's final approval. Representations of nonpsychological earned academic degrees are not prohibited, if the degrees are from accredited schools. If these degrees are generic, such as Ph.D., Ed.D., M.S., M.A. and M.Ed., the holder may represent them, but shall specify the discipline in which each particular degree was earned.

(e) As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current and scholarly.

(f) Psychologists participate in continuing education programs and keep informed of new professional procedures and knowledge.

(g) Psychologists obtain whatever training, experience or counsel is necessary to enable them to recognize differences among people, such as those that may be associated with age, sex or socioeconomic and ethnic backgrounds.

(h) Psychologists responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems and test research.

(i) Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking activities in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student or research participant. If engaged in the activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate or limit the scope of their professional or scientific activities.

Principle 3. Moral and legal standards.

(a) Psychologists' moral, ethical and legal standards of behavior are a personal matter to the same degree as they are for other citizens, except as these may

compromise the fulfillment of their professional responsibilities or reduce the trust in psychology or psychologists held by the general public. Regarding their own behavior, psychologists should be aware of the prevailing community standards and of the possible impact upon the quality of professional services provided by their conformity to or deviation from these standards. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

(b) As teachers, psychologists are aware of the fact that their personal values may affect the selection and presentation of instructional materials. When dealing with topics that may give offense, they recognize and respect the diverse attitudes that students may have toward materials.

(c) As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. These practices include, but are not limited to, those which constitute unlawful discriminatory practices under section 1 of the Pennsylvania Human Relations Act (43 P. S. § 955).

(d) In their professional roles, psychologists avoid action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

(e) As practitioners and researchers, psychologists act in accord with American Psychological Association standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. Whenever the laws, regulations or standards are in conflict, psychologists make known their commitment to a resolution of the conflict. Both practitioners and researchers are concerned with the development of laws and regulations which best serve the public interest.

Principle 4. Public statement.

(a) Public statements, announcements of services and promotional activities of psychologists serve the purpose of providing sufficient information to aid the consumer public in making informed judgments and choices. Psychologists represent accurately and objectively their professional qualifications, affiliations and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information about the availability of psychological products, publications and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of the evidence.

(b) Only psychologists licensed by a state board of psychologist examiners may be listed under the heading of psychologists in the yellow pages of the telephone directory. Psychologists licensed in a state other than Pennsylvania shall

furnish written proof to the Board office of their current licensure in another state, and of their compliance with § 41.52(c) (relating to licensure in other states).

(c) Groups offering psychological services may list themselves under the heading “psychologists—group, association and corporate practice” if they are licensed psychologists responsible for the delivery of the services.

(d) When announcing or advertising professional services, or when listing professional services in a telephone directory, psychologists may list the following information to describe the provider and services provided: name, relevant academic degrees earned from regionally accredited institutions, date, type and level of certification or licensure, diplomate status, professional membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of the principles contained in this Code of Ethics.

(e) Announcements of “personal growth groups” give a clear statement of the purpose and nature of the experiences to be provided. The education, training and experience of a psychologist are appropriately specified.

(f) In announcing or advertising the availability of psychological products, publications or services, psychologists do not present their affiliation with an organization in a manner that falsely implies sponsorship or certification by that organization. In particular, psychologists do not state membership in a professional organization or fellow status in such a way as to suggest that the membership implies specialized professional competence or qualifications. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio or motion picture. Public statements may not contain one or more of the following:

(1) A false, fraudulent, misleading, deceptive or unfair statement.

(2) A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts.

(3) A statement intended or likely to create false or unjustified expectations of favorable results.

(4) A statement falsely implying unusual, unique or one-of-a-kind abilities.

(5) A statement intended or likely to appeal to a client’s fears, anxieties or emotions concerning the possible results of failure to obtain the offered services.

(6) A statement comparing the advertiser’s services with another psychologist’s services, unless the comparison can be factually substantiated.

(g) Psychologists do not compensate or give anything of value to a representative of the press, radio, television or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement shall be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television,

an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(h) Psychologists associated with the development or promotion of psychological devices, books or other products offered for commercial sale make every effort to insure that announcements and advertisements are presented in a professional, scientifically acceptable and factually informative manner.

(i) Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of proprietary or single-source products or services when that participation is based solely upon their identification as psychologists.

(j) Psychologists present the science of psychology and offer their services, products and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions and choices.

(k) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress and the nature of course experiences. Announcements, brochures or advertisements describing workshops, seminars or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives and the nature of the materials to be covered. These announcements also accurately represent the education, training and experience of the psychologists presenting the program, and an accurate and accessible schedule of fees, if any.

(l) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(m) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these ethical principles.

(n) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.

(o) Products that are described or presented by means of public lectures or demonstrations, newspapers or magazine articles, radio or television programs, or similar media shall meet the same recognized standards as exist for products used in the context of a professional relationship.

(p) Psychologists may not engage in face-to-face, direct solicitation of clients.

Principle 5. Confidentiality.

(a) Psychologists shall safeguard the confidentiality of information about an individual that has been obtained in the course of teaching, practice or investigation. Psychologists may not, without the written consent of their clients or the client's authorized legal representative, or the client's guardian by order as a result of incompetency proceedings, be examined in a civil or criminal action as to information acquired in the course of their professional service on behalf of the client. Information may be revealed with the consent of the clients affected only after full disclosure to them and after their authorization. Psychologists shall exercise reasonable care to prevent their employes, associates and others whose services are utilized by them from disclosing or using information about the client.

(b) A psychologist may reveal the following information about a client:

(1) Information received in confidence is revealed only after most careful deliberation and when there is clear and imminent danger to an individual or to society, and then only to appropriate professional workers or public authorities. This Code of Ethics does not prohibit a psychologist from taking reasonable measures to prevent harm when a client has expressed a serious threat or intent to kill or seriously injure an identified or readily identifiable person or group of people and when the psychologist determines that the client is likely to carry out the threat or intent. Reasonable measures may include directly advising the potential victim of the threat or intent of the client. Because these measures should not be taken without careful consideration of clients and their situation, consultation with other mental health professionals should be sought whenever there is time to do so to validate the clinical impression that the threat or intent of harm is likely to be carried out.

(2) Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employes and others are discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports should present data germane to the purposes of the evaluation; every effort should be made to avoid undue invasion of privacy.

(3) Clinical and other materials are used in classroom teaching and writing only when the identity of the persons involved is adequately disguised.

(4) Confidentiality of professional communications about individuals is maintained. Only when the originator and other persons involved give their express written permission is a confidential professional communication shown to the individual concerned. The psychologist is responsible for informing the client of the limits of the confidentiality.

(5) Only after explicit permission has been granted is the identity of research subjects published. When data have been published without permission for identification, the psychologist assumes responsibility for adequately disguising their sources.

(6) The psychologist makes provisions for the maintenance of confidentiality in the preservation and ultimate disposition of confidential records.

(7) When working with minors or other persons who are unable to give voluntary, informed consent, psychologists take special care to protect the person's best interests.

Principle 6. Welfare of the consumer.

(a) Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When there is a conflict of interest between the client and the psychologist's employing institution, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational or training procedure and they freely acknowledge that clients, students or participants in research have freedom of choice with regard to participation.

(b) Psychologists are continually cognizant of their own needs and their inherently powerful position vis a vis clients, students and subordinates, in order to avoid exploiting their trust and dependency. Psychologists make every effort to avoid dual relationships with clients or relationships which might impair their professional judgment or increase the risk of exploitation. Examples of dual relationships include treating employes, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

(c) When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

(d) Where demands of an organization on psychologists go beyond reasonable conditions of employment, psychologists recognize possible conflicts of interest that may arise. When conflicts occur, psychologists clarify the nature of the conflict, inform all parties of the nature and direction of the loyalties and responsibilities involved, and take appropriate action.

(e) When acting as a supervisor, trainer, researcher or employer, psychologists accord informed choice, confidentiality, due process and protection from physical and mental harm to their subordinates in these relationships.

(f) Financial arrangements in professional practice are in accord with professional standards that safeguard the best interests of the client and that are clearly understood by the client in advance of billing. Psychologists are responsible for assisting clients in finding needed services in those instances where payment of the usual fee would be a hardship. No commission, rebate or other form of remuneration may be given or received for referral of clients for professional services, whether by an individual or by an agency.

(g) The psychologist attempts to terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. Psychologists who find that their services are being used by employers in a way that

is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modifications or termination of the engagement.

Principle 7. Professional relationships.

(a) Psychologists act with due regard for the needs, special competencies and obligations of their colleagues in psychology and other professions. Psychologists respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

(b) Psychologists understand the areas of competence of related professions, and make full use of the professional, technical and administrative resources that best serve the interest of consumers. The absence of formal relationships with other professional workers does not relieve psychologists from the responsibility of securing for their clients the best possible professional service nor does it relieve them from the exercise of foresight, diligence and tact in obtaining the complementary or alternative assistance needed by clients.

(c) Psychologists know and take into account the traditions and practices of other professional groups with which they work and cooperate fully with members of these groups. If a consumer is receiving similar services from another professional, psychologists do not offer their services directly to the consumer. If a psychologist is contacted by a person who is already receiving similar services from another professional, the psychologist carefully considers that professional relationship and proceeds with caution and sensitivity to the therapeutic issues as well as the client's welfare. The psychologist discusses these issues with the client to minimize the risk of confusion and conflict.

(d) Psychologists who employ or supervise other professionals or professionals in training accept the obligations to facilitate their further professional development by providing suitable working conditions, consultation, timely evaluations and experience opportunities.

(e) Psychologists do not exploit their professional relationships with clients, supervisees, students, employees or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures or physical contacts of a sexual nature that are unwanted by the recipient.

(f) As employees of organizations providing psychological services, or as independent psychologists serving clients in an organizational context, psychologists seek to support the integrity, reputation and proprietary rights of the host organization. When it is judged necessary in a client's interest to question the organization's programs or policies, psychologists attempt to effect change by constructive action within the organization before disclosing confidential information acquired in their professional roles.

(g) In the pursuit of research, psychologists give sponsoring agencies, host institutions and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. They are aware of their obligation to future research workers and insure that host institutions are given adequate information about the research and proper acknowledgement of their contributions.

(h) Publication credit is assigned to those who have contributed to a publication in proportion to their contributions. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the experimenter or author who made the principal contribution identified and listed first. Minor contributions of a professional character and extensive clerical or similar nonprofessional assistance may be acknowledged in footnotes or in an introductory statement. Acknowledgement through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. Psychologists who compile and edit material of others for publication publish the material in the name of the originating group or author, with their own name appearing as chairperson or editor. Contributors are to be acknowledged and named.

(i) When psychologists know of an ethical violation by another psychologist which does not affect the welfare of that psychologist's clients and which appears to be owing to lack of sensitivity, knowledge or experience, they attempt to resolve the issue informally by bringing the behavior to the attention of the psychologist. Informal corrective efforts are made with regard for rights to confidentiality involved. If the violation is one which threatens client welfare or is not amenable to an informal solution, psychologists bring it to the attention of the Board. Obligations imposed by this subsection are in addition to the reporting requirements under section 18(f) of the act (63 P. S. § 1218(f)).

Principle 8. Utilization of assessment.

(a) In the development, publication and utilization of psychological assessment techniques, psychologists observe relevant professional standards and make every effort to promote the welfare and best interests of the client. A person who has been examined has the right to receive, and the psychologist has the responsibility to provide, explanations of the nature, purpose, results and interpretations of assessment techniques in language the person can understand. Psychologists guard against misuse of assessment results and avoid imparting unnecessary information which would compromise test security, but they provide requested information that explains the basis for decisions that may adversely affect the person examined or that person's dependents.

(b) Persons examined at the request of or under the auspices of a sponsoring entity such as an employer or potential employer, a school, a hospital, or the like shall have, irrespective of who pays for the service, the same rights to information as set out in subsection (a), unless limitations are agreed upon in advance in

writing among the psychologist, the person to be examined or that person's legal representative, and the sponsoring entity. The psychologist shall provide the examination results to the sponsoring entity only upon authorization in writing signed by the person to be examined or that person's legal representative. The psychologist shall ensure that the person to be examined or that person's legal representative makes an informed decision as to giving up one or more of the rights in subsection (a) and as to releasing information to the sponsoring entity.

(c) When a test is published or otherwise made available for operational use, it is accompanied by a manual—or other published or readily available information—that fully describes the development of the test, the rationale, and evidence of validity and reliability. The test manual explicitly states the purposes and applications required to administer the test and to interpret it properly. Test manuals provide complete information regarding the characteristics of the normative population.

(d) In reporting test results, psychologists indicate reservations regarding validity or reliability resulting from testing circumstances or inappropriateness of the test norms for the person tested. Psychologists strive to insure that the test results and their interpretations are not misused by others.

(e) Psychologists accept responsibility for removing from clients' files test score information that has become obsolete, lest the information be misused or misconstrued to the disadvantage of the person tested.

(f) Psychologists offering test scoring and interpretation services are able to demonstrate that the validity of the programs and procedures used in arriving at interpretations is based on appropriate evidence. The public offering of an automated test interpretation is considered as a professional-to-professional consultation. The psychologist makes every effort to avoid misuse of test reports.

Principle 9. Research with human participants.

(a) The decision to undertake research rests upon a considered judgment by the individual psychologist about how best to contribute to psychological science and to human welfare. Having made the decision to conduct research, the psychologist considers alternative directions in which research energies and resources might be invested. On the basis of this consideration, psychologists carry out their investigations with respect for the people who participate, with concern for their dignity and welfare, and in compliance with Federal and State regulations and professional standards governing the conduct of research with human participants.

(b) In planning a study the investigator has the responsibility to make a careful evaluation of its ethical acceptability, taking into account the following additional principles for research with human beings. To the extent that this appraisal, weighing scientific and humane values, suggests a compromise of any principle,

the investigator incurs an increasingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of the human research participants.

(c) Considering whether a participant in a planned study will be a “subject at risk” or a “subject at minimal risk” according to recognized standards, is of primary ethical concern to the investigator. “Minimal risk” means that the risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

(d) Responsibility for the establishment and maintenance of acceptable ethical practice in research always remains with the individual investigator. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students and employees, all of whom, however, incur parallel obligations.

(e) Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of each. The investigator has the obligation to honor the promises and commitments included in that agreement. The investigator informs the participants of the aspects of the research that might reasonably be expected to influence willingness to participate and explains the other aspects of the research about which the participants inquire. Research with children or with participants who have impairments that limit their understanding or communication requires the informed consent of their legal representatives. Failure to make full disclosure prior to obtaining the consent of a participant or the participant’s legal representative is acceptable only under the conditions in subsection (g).

(f) Investigations of human participants using drugs should be conducted only in such settings as clinics, hospitals or research facilities maintaining appropriate safeguards for the participants.

(g) Methodological requirements of a study may make the use of concealment or deception necessary. Before conducting such a study, the investigator has a special responsibility to:

(1) Determine whether the use of techniques involving concealment or deception is justified by the study’s prospective scientific, educational or applied value.

(2) Determine whether alternative procedures are available that do not use concealment or deception.

(3) Ensure that the participants are provided with sufficient explanation as soon as possible.

(h) The investigator respects the individual’s freedom to decline to participate in or to withdraw from the research at any time. The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant. Positions of authority

include, but are not limited to, situations in which research participation is required as part of employment or in which the participant is a student, client or employe of the investigator.

(i) The investigator protects the participant from physical or mental discomfort, harm and danger that may arise from research procedures. If risks of these consequences exist, the investigator informs the participant of that fact. Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use these procedures might expose the participant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from each participant. The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm or related questions or concerns arise.

(j) After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove misconceptions that may have arisen. If scientific or humane values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

(k) If research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

(l) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others may obtain access to the information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent.

Principle 10. Care and use of animals in research.

(a) An investigator of animal behavior strives either to advance understanding of basic behavioral principles or to contribute to the improvement of human health and welfare or to achieve both these goals. In seeking these ends, the investigator ensures the welfare of animals and treats them humanely. Laws and regulations notwithstanding, an animal's immediate protection depends upon the scientist's own conscience.

(b) The acquisition, care, use and disposal of animals are in compliance with current Federal, State or provincial, and local laws and regulations.

(c) A psychologist trained in research methods and experienced in the care of laboratory animals closely supervises procedures involving animals and is responsible for ensuring appropriate consideration of their comfort, health and humane treatment.

(d) Psychologists ensure that individuals using animals under their supervision have received explicit instruction in experimental methods and in the care,

maintenance and handling of the species being used. Responsibilities and activities of individuals participating in a research project are consistent with their respective competencies.

(e) Psychologists make every effort to minimize discomfort, illness and pain of animals. A procedure subjecting animals to pain, stress or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational or applied value. Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(f) When it is appropriate that the animal's life be terminated, it is done rapidly and painlessly.

Authority

The provisions of this § 41.61 amended under section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.61 adopted February 6, 1976, effective February 7, 1976, 6 Pa.B. 229; amended March 17, 1978, effective March 18, 1978, 8 Pa.B. 756; amended September 8, 1978, effective September 9, 1978, 8 Pa.B. 2530; amended June 16, 1989, effective June 17, 1989, 19 Pa.B. 2555; amended May 22, 1998, effective May 23, 1998, 28 Pa.B. 2412. Immediately preceding text appears at serial pages (238845), (221153) to (221154), (206255) to (206264) and (223087) to (223088).

Notes of Decisions

Competency

The record did not support the Board's determinations that a psychologist violated Ethical Principle 2 and the Practice Act by acting beyond his qualifications in evaluating the insureds and by creating inadequate psychological evaluations, where the Board impermissibly substituted its opinion for that of the expert witnesses who testified before the hearing examiner, and no evidence remained which supported the Board's determinations. *Batoff v. State Board of Psychology*, 718 A.2d 364 (Pa. Cmwlth. 1998); reversed 750 A.2d 835 (Pa. 2000).

Confidentiality

The language of this regulation was not vague; rather, it was plain and unambiguous. Although the psychologist may in fact have been confused by the conflicting obligations imposed by the rules of the profession and a court issued subpoena, any confusion which the psychologist might have experienced cannot be attributed to the clear prohibition against revealing confidential information contained in this regulation. *Rost v. State Board of Psychology*, 659 A.2d 626 (Pa. Cmwlth. 1995); appeal denied 670 A.2d 145 (Pa. 1995).

Although disclosure of confidential information is permitted when there is clear and imminent danger to an individual or society, this exception is very limited. It only applies where a client poses a serious threat of killing or physically injuring a third person or group of persons. The filing of fraudulent pleadings does not rise to the same level as serious physical harm and does not justify disclosure of confidential information. *Rost v. State Board of Psychology*, 659 A.2d 626 (Pa. Cmwlth. 1995).

Moral Standards

A psychologist who, during the course of the therapeutic relationship, engages in sexual intimacies with a client may not absolve himself or herself from professional liability by ceasing to provide therapy while the sexual relationship continues. *Giddings v. State Bd. of Psychology*, 669 A.2d 431 (Pa. Cmwlth. 1995).

Welfare of the Consumer

Where the psychologist admitted to asking Mr. R. S. to sign at least one insurance form with the intent to acquire payment for treatment of Mrs. R. S., who was not covered by her husband's insurance, there can be no doubt that the psychologist acted unprofessionally. *Giddings v. State Bd. of Psychology*, 669 A.2d 431 (Pa. Cmwlth. 1995).

Cross References

This section cited in 49 Pa. Code § 41.8 (relating to Department of Health licensing of substance abuse services provided by psychology practices—statement of policy); 49 Pa. Code § 41.26 (relating to professional corporations); 49 Pa. Code § 41.27 (relating to fictitious names); 49 Pa. Code § 41.33 (relating to supervisors); 49 Pa. Code § 41.51 (relating to areas of acceptable practice); 49 Pa. Code § 41.58 (relating to standards for the employment and supervision of unlicensed persons with graduate training in psychology); and 49 Pa. Code § 41.75 (relating to confidentiality—waived).

CHILD ABUSE REPORTING REQUIREMENTS**§ 41.71. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), psychologists who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Psychologists who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the psychologist, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine (800) 932-0313.

(2) *Written reports.* Written reports shall be made within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and youth social service agency.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the subjects of the report.
- (4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.
- (5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.
- (6) Family composition.
- (7) The source of the report.
- (8) The person making the report and where that person can be reached.
- (9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.
- (10) Other information which the Department of Public Welfare may require by regulation.

Authority

The provisions of this § 41.71 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.71 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5420.

§ 41.72. Photographs, medical tests and X-rays of child subject to report.

A psychologist may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

Authority

The provisions of this § 41.72 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.72 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5420.

§ 41.73. Suspected death as a result of child abuse—mandated reporting requirement.

A psychologist who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

Authority

The provisions of this § 41.73 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.73 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5420.

§ 41.74. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a psychologist who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the psychologist's actions. For the purpose of any civil or criminal proceeding, the good faith of the psychologist shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a psychologist's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

Authority

The provisions of this § 41.74 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.74 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5420.

§ 41.75. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 41.71—41.73 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over provisions of Ethical Principle 5 (relating to confidentiality) in § 41.61 (relating to Code of Ethics) and any other ethical principle or professional standard that might otherwise apply to psychologists.

Authority

The provisions of this § 41.75 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.75 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5420.

§ 41.76. Noncompliance.

(a) *Disciplinary action.* A psychologist who willfully fails to comply with the reporting requirements in §§ 41.71—41.73 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 8(a) of the act (63 P. S. § 1208(a)).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a psychologist who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

Authority

The provisions of this § 41.76 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.76 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5420.

SEXUAL INTIMACIES**§ 41.81. Prohibited conduct.**

(a) Sexual intimacies between a psychologist and a current client/patient, or an immediate family member of a current client/patient, are prohibited.

(b) Sexual intimacies between a psychologist and a psychology trainee, student or research participant are prohibited.

Authority

The provisions of this § 41.81 issued under section 3.2(2) of the Professional Psychologist's Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.81 adopted May 26, 2000, effective May 27, 2000, 30 Pa.B. 2593.

Cross References

This section cited in 49 Pa. Code § 41.84 (relating to disciplinary proceedings); and 49 Pa. Code § 41.85 (relating to impaired professional program).

§ 41.82. Former sexual partners as client/patients.

Psychologists may not accept as client/patients persons with whom they have engaged in sexual intimacies.

Authority

The provisions of this § 41.82 issued under section 3.2(2) of the Professional Psychologist's Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.82 adopted May 26, 2000, effective May 27, 2000, 30 Pa.B. 2593.

Cross References

This section cited in 49 Pa. Code § 41.84 (relating to disciplinary proceedings); and 49 Pa. Code § 41.85 (relating to impaired professional program).

§ 41.83. Sexual intimacies with a former client/patient, or an immediate family member of a former client/patient.

(a) Sexual intimacies between a psychologist and a former client/patient, or an immediate family member of a former client/patient are prohibited for at least 2 years following the termination of the professional relationship, and then only under very limited circumstances.

(b) Following the passage of the 2-year period, psychologists who engage in sexual intimacies with a former client/patient, or an immediate family member of a former client/patient shall have the burden of demonstrating that there has been no exploitation of the client/patient in light of all relevant factors, including:

- (1) The amount of time that has passed since the professional relationship terminated.
- (2) The nature and duration of the therapy.
- (3) The circumstances of termination.
- (4) The client/patient's personal history, for example, unique vulnerabilities.
- (5) The client/patient's current mental status.
- (6) Statements or actions made by the psychologist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client/patient.
- (7) The likelihood of adverse impact on the client/patient and immediate family members of the client/patient.

Authority

The provisions of this § 41.83 issued under section 3.2(2) of the Professional Psychologist's Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.83 adopted May 26, 2000, effective May 27, 2000, 30 Pa.B. 2593.

Cross References

This section cited in 49 Pa. Code § 41.84 (relating to disciplinary proceedings); and 49 Pa. Code § 41.85 (relating to impaired professional program).

§ 41.84. Disciplinary proceedings.

(a) The consent of an individual to engage in sexual intimacies with the psychologist may not be a defense in any disciplinary action brought under §§ 41.81—41.83 (relating to prohibited conduct; former sexual partners as client patients; and sexual intimacies with a former client/patient or, an immediate family member of a former client/patient).

(b) With the exception of information contained in a professional record, neither opinion evidence, reputation evidence nor specific instances of the past sexual conduct of an individual may be admissible in a disciplinary action brought under §§ 41.81—41.83.

(c) In a disciplinary proceeding brought under §§ 41.81—41.83, the psychologist shall have the burden of proving that there has been no exploitation of the client/patient in light of all of the relevant factors enumerated under § 41.83(b)(1)—(7).

Authority

The provisions of this § 41.84 issued under section 3.2(2) of the Professional Psychologist's Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.84 adopted May 26, 2000, effective May 27, 2000, 30 Pa.B. 2593.

§ 41.85. Impaired professional program.

When the Board takes disciplinary or corrective action against a psychologist under section 8(a) of the act (63 P. S. § 1208(a)), for conduct prohibited by §§ 41.81—41.83 (relating to sexual intimacies with a former client/patient, or an immediate family member of a former client/patient) the psychologist will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective actions.

Authority

The provisions of this § 41.85 issued under section 3.2(2) of the Professional Psychologist's Practice Act (63 P. S. § 1203.2(2)).

Source

The provisions of this § 41.85 adopted May 26, 2000, effective May 27, 2000, 30 Pa.B. 2593.

§ 41.91. Reporting of crimes and disciplinary actions.

(a) A licensee shall notify the Board of having been convicted, as defined in section 8(a)(6) of the act (63 P. S. § 1208(a)(6)), of a felony or misdemeanor, within 30 days of the conviction, or on the biennial renewal application, whichever is sooner.

(b) A licensee shall notify the Board of disciplinary action in the nature of a final order taken against the licensee by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action, or on the biennial renewal application, whichever is sooner.

Authority

The provisions of this § 41.91 issued under sections 3.2(2), 8(a)(6)—(8), 8.1, 11(c) and 17 of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(2), 1208(a)(6)—(8), 1208.1, 1211(c) and 1217).

Source

The provisions of this § 41.91 adopted December 3, 2004, effective December 4, 2004, 34 Pa.B. 6416.

§ 41.92. Notice of active suspension or revocation.

A licensee who has voluntarily surrendered a license in lieu of discipline or whose license has been actively suspended or revoked by the Board shall return the suspended or revoked license to the Board and notify all current clients/patients and any individuals obtaining supervision for licensure from the licensee of the disciplinary action in writing within 30 days of receiving notice of the disciplinary action. The notice must contain the following:

- (1) The sanction imposed.
- (2) The effective date and length of the sanction.
- (3) The nature of the violation.
- (4) A statement that the licensee will assist patients in obtaining alternative professional resources and in transferring psychological records.

Authority

The provisions of this § 41.92 issued under sections 3.2(2), 8(a)(6)—(8), 8.1, 11(c) and 17 of the Professional Psychologists Practice Act (63 P. S. §§ 1203.2(2), 1208(a)(6)—(8), 1208.1, 1211(c) and 1217).

Source

The provisions of this § 41.92 adopted December 3, 2004, effective December 4, 2004, 34 Pa.B. 6416.

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