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Division of Publications**

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Sequence Number: 07-09-13
Notice ID(s): 2043-2046
File Date: 7/10/13

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Examiners in Psychology
Division:	
Contact Person:	Jennifer Putnam
Address:	Office of General Counsel, 220 Athens Way, Suite 210 Nashville, Tennessee 37243
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator at the Division of Health Related Boards
Address:	227 French Landing, Heritage Place, Nashville, Tennessee 37243
Phone:	(615) 532-3202 or (Toll Free) 1-800-778-4123
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Poplar Conference Room		
Address 2:	227 French Landing, Heritage Place, Nashville, Tennessee 37243		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	09/05/2013		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1180-01	General Rules Governing the Practice of Psychologists, Senior Psychological Examiners, Psychological Examiners, and Certified Psychological Assistants
Rule Number	Rule Title
1180-01-.06	Patient Records

1180-01-08	Continuing Education
1180-01-13	Mandatory Release of Patient Records

Chapter Number	Chapter Title
1180-02	Rules Governing Psychologists
Rule Number	Rule Title
1180-02-.01	Scope of Practice

Chapter Number	Chapter Title
1180-03	Rules Governing Psychological Examiners and Senior Psychological Examiners
Rule Number	Rule Title
1180-03-.01	Scope of Practice

Chapter Number	Chapter Title
1180-04	Rules Governing Certified Psychological Assistants
Rule Number	Rule Title
1180-04-.01	Scope of Practice
1180-04-.03	Procedures for Certification

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amendments to 1180-01

Rules Governing the Practice of Psychologists, Senior Psychological Examiners, Psychological Examiners and Certified Psychological Assistants

Rule 1180-01-.06 Patient Records is amended by deleting part (4) (c) 1 in its entirety and adding a new part (4) (c) (1) so that as amended the rule shall read:

1. Patient records include, but are not limited to:
 - (i) the name of the patient and other identifying information;
 - (ii) the presenting problem(s) or purpose of diagnosis;
 - (iii) the fee arrangement;
 - (iv) the date and substance of each billed or service-count contact or service;
 - (v) any test results or other evaluative results obtained and any basic test data from which they were derived (not including protocols);
 - (vi) notation and results of formal consults with other providers;
 - (vii) a copy of all test and other evaluative reports prepared as a component of the professional relationship; and
 - (viii) any releases executed by the patient.

Authority: T.C.A. § 63-11-101.

Rule 1180-01-.06 Patient Records is amended by deleting part (4) (c) (2) in its entirety and adding a new part (4) (c) (2) so that as amended the rule shall read:

2. Not included in patient records are test materials, such as manuals, instruments, protocols, and test questions or stimuli. Although not included in patient records, test materials such as manuals, instruments, protocols, and test questions or stimuli must be retained in accordance with the "Ethical Principles of Psychologists and Code of Conduct" published by the American Psychological Association

Authority: T.C.A. § 63-11-101.

Rule 1180-01-.08 Continuing Education is amended by deleting subparagraph (1) (c) in its entirety and adding a new (1) (c) so that as amended the rule shall read:

- (c) Nine (9) CE hours of the forty (40) hours required in subparagraph (b) must be received from a Type I CE program as provided by this rule. All continuing education hours obtained via the internet must be from a Type I CE program.

Authority: T.C.A. § 63-11-101.

Rule 1180-01-.08 Continuing Education is amended by deleting subparagraph (1) (e) in its entirety and adding a new subparagraph (1) (e) so that as amended the rule shall read:

- (e) Twenty-two (22) CE hours of the forty (40) hours required in subparagraph (b) must be received from Type I, II, or III programs as provided by this rule.

Authority: T.C.A. § 63-11-101.

Rule 1180-01-.08 Continuing Education is amended by deleting subparagraph (1) (f) in its entirety and adding a new subparagraph (1) (f) so that as amended the rule shall read:

- (f) Three (3) CE hours shall pertain to cultural diversity as specifically noted in the title, description of objectives, or curriculum of the presentation, symposium, workshop, seminar, course or activity. Cultural diversity includes aspects of identity stemming from age, disability, gender, race/ethnicity, religious/spiritual orientation, sexual orientation, socioeconomic status, and other cultural dimensions. The topic of the presentation, symposium, workshop, seminar, course or activity need not be on cultural diversity, but one of the objectives or descriptions of the topics covered, shall clearly indicate attention to cultural diversity. These hours shall be Type I or Type II.

Authority: T.C.A. § 63-11-101.

Rule 1180-01-.08 Continuing Education is amended by adding subparagraph (1) (g) so that as amended the rule shall read:

- (g) Three (3) CE hours of Type I or Type II shall pertain to:
 - (i) Tennessee Code Annotated, Title 63, Chapter II; and
 - (ii) Official Compilation, Rules and Regulations of the State of Tennessee, Chapters 1180-1, 1180-2, 1180-3 and 1180-4; and
 - (iii) The current version of the "Ethical Standards" which are part of the "Ethical Principles of Psychologists and Code of Conduct" published by the American Psychological Association (A.P.A.).

Authority: T.C.A. § 63-11-101.

Rule 1180-01-.08 Continuing Education is amended by adding subparagraph (1) (h) so that as amended the rule shall read:

- (h) Experiences unacceptable as continuing education include, but are not limited to, administrative activities, psychotherapy, personal growth or enrichment.

Authority: T.C.A. § 63-11-101.

Rule 1180-01-.08 Continuing Education is amended by adding to subparagraph (2) (f) so that as amended the new rule shall read:

- (f) Type I CE may be fulfilled via internet. No more than twenty-eight (28) hours shall be obtained from an internet source.

Authority: T.C.A. § 63-11-101.

Rule 1180-01-.13 Mandatory Release of Patient Records is amended by deleting paragraph (2) in its entirety and adding a new paragraph (2) so that as amended the new rule shall read:

- (2) A licensee shall be entitled to charge reasonable costs as outlined by T.C.A. § 63-2-102(a) for the reproduction of records to a third party not to exceed twenty dollars (\$20.00) for reports or records five (5) pages or less in length and fifty cents (\$.50) per page for each page copies after the first five (5) pages for copying and mailing patient records.

Authority: T.C.A. § 63-11-101

Rule 1180-02-.01 Scope of Practice is amended by deleting paragraph (7) in its entirety and adding a new paragraph (7) so that as amended the new rule shall read:

- (7) Standards for supervision of Psychologists, Psychological Examiners and Certified Psychological Assistants by Psychologists

Authority: T.C.A. § 63-11-101

Rule 1180-02-.01 Scope of Practice is amended by deleting subparagraph (7) (a) in its entirety and adding a new subparagraph (7) (a) so that as amended the new rule shall read:

- (a) Supervision must meet minimum standards and a supervisor of record must be made known to the Board. When a Psychologist renews his or her license he or she must list those Psychologists, Psychological Examiners, and Certified Psychological Assistants whom the Psychologist supervises and for whom he or she is the supervisor of record.

Authority: T.C.A. § 63-11-101

Rule 1180-02-.01 Scope of Practice is amended by deleting subparagraph (7) (d) in its entirety and adding a new subparagraph (7) (d) so that as amended the new rule shall read:

- (d) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision. Supervision conducted via face-to-face video conferencing equipment and/or technology is acceptable, assuming compliance with (6)(a) through (6)(e). "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.

Authority: T.C.A. § 63-11-101

Rule 1180-02-.01 Scope of Practice is amended by deleting part (7) (e) (3) in its entirety and adding a new part (7) (e) (3) so that as amended the new rule shall read:

- 3. The standard for supervision of Certified Psychological Assistants is direct and frequent supervision to take place at the site of service, considering the number of hours worked per week and the experience level of the Certified Psychological Assistant

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting paragraph (4) in its entirety and adding a new paragraph (4) so that as amended the new rule shall read:

- (4) Psychological Examiners who have had appropriate education, training, and supervised practice experience may provide the following psychological services only under the qualified supervision of a licensed Psychologist designated as a HSP or Senior Psychological Examiner:

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by adding subparagraph (e) to paragraph (5) so that as amended the new rule shall read:

- (e) Supervision of a Psychological Examiner and/or a Certified Psychological Assistant

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting paragraph (6) in its entirety and adding a new paragraph (6) so that as amended the new rule shall read:

- (6) Standards for supervision of Psychological Examiners and Certified Psychological Assistants by Senior Psychological Examiners.

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting part (6) (a) (1) (i) in its entirety and adding a new part (6) (a) (1) (i) so that as amended the new rule shall read:

- (i) A Senior Psychological Examiner must list the Psychological Examiners for whom he or she is the supervisor of record. When a Senior Psychological Examiner renews his or her license, he or she must list those Psychological Examiners and/or Certified Psychological Assistants whom the Senior Psychological Examiner supervises and for whom he or she is the supervisor of record.

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting part (6) (a) (1) (ii) in its entirety and adding a new part (6) (a) (1) (ii) so that as amended the new rule shall read:

- (ii) A Psychological Examiner must list his/her primary supervising Senior Psychological Examiner if engaging in activities requiring supervision. When a Psychological Examiner renews his/her license or certificate, that individual must list his/her primary supervisor(s) if engaging in activities requiring supervision

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting subparagraph (6) (b) in its entirety and adding a new subparagraph (6) (b) so that as amended the new rule shall read:

- (b) Qualified supervision requires that a licensed Senior Psychological Examiner, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and frequent basis.

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting subparagraph (6) (c) in its entirety and adding a new subparagraph (6) (c) so that as amended the new rule shall read:

- (c) The supervising Senior Psychological Examiner shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting subparagraph (6) (d) in its entirety and adding a new subparagraph (6) (d) so that as amended the new rule shall read:

- (d) Specific case monitoring and skill training requires significant supervisory contact and must be in addition to overall administrative supervision. Supervision conducted via face-

to-face video conferencing equipment and/or technology is acceptable, assuming compliance with (6)(a) through (6)(e). "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting subparagraph (6) (e) in its entirety and adding a new subparagraph (6) (e) so that as amended the new rule shall read:

- (e) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Senior Psychological Examiner upon whom it is incumbent to assure supervisory time and service delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The education, training, experience, ongoing performance and level of licensure of the supervisee must be considered by the supervisor. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. In situations where supervision has been regular and frequent and one-on-one contact has occurred, the frequency and intensity of supervision may, at the discretion of the supervising Senior Psychological Examiner upon determination of the supervisee's competence and readiness, be modified. Normally such supervision will occur weekly. Ultimately, the supervising Senior Psychological Examiner of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics. (Requirements for Psychologists receiving supervision as part of the experience requirement for designation as a HSP are contained in 1180-2-.02(2)(d).)

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting part (6) (e) (1) in its entirety and adding a new part (6) (e) (1) so that as amended the new rule shall read:

1. The standard for supervision of newly supervised (less than five [5] years) Psychological Examiners is one (1) hour per week.

Authority: T.C.A. § 63-11-101

Rule 1180-03-.01 Scope of Practice is amended by deleting part (6) (e) (2) in its entirety and adding a new part (6) (e) (2) so that as amended the new rule shall read:

2. The standard of supervision for experienced (supervised for at least five [5] years) Psychological Examiners is that it shall occur no less than monthly. If an experienced Psychological Examiner changes supervisors, the experienced Psychological Examiner may follow the monthly supervision standard if agreed to by the Senior Psychological Examiner supervisor and the experienced Psychological Examiner in question

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting paragraph (3) in its entirety and adding a new paragraph (3) subparagraph (a)-(h) so that as amended the new rule shall read:

- (3) Certified Psychological Assistants shall limit their practices to the use of those techniques, and to providing services to those populations, for which they have formal education, formal professional training and supervised experience, and for which they hold certification. Because no education, professional training, supervised experience and practicum in psychotherapy or other therapeutic intervention activities is prescribed in the statute, the scope of practice for certified psychological assistants is specifically restricted to psychological assessment, psychological testing, and related activities, with no certified psychological assistant allowed to engage in psychotherapy or any other form

of therapeutic intervention. The supervised practice of a Certified Psychological Assistant, may include, but is not limited to:

- (a) Participates in psychological evaluations and clinical assessments of patients utilizing a wide variety of assessment techniques and instruments thereby providing psychological data;
- (b) Administers psychological testing, monitors mental status of patients and participates in treatment teams which evaluate, develop, implement, and document patient's treatment progress;
- (c) Assists with classification information on patients and recommendations on service needs, identification and recommendation of services for the handicapped, and crisis intervention;
- (d) Screens patients for appropriate treatments;
- (e) Provides educational/information services for patients;
- (f) Participates in both basic and applied research endeavors and contributes to the basic fund of psychological knowledge;
- (g) May assist in psychological screening of employees; and
- (h) May supervise/direct the work of clerical/related staff in the performance of their duties as assigned.

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting paragraph (4) in its entirety and adding a new paragraph (4) so that as amended the new rule shall read:

- (4) Certified Psychological Assistants, who have had appropriate education, training and supervised practice experience, may render to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology as defined in paragraph three (3) above and only under the direct employment and qualified supervision of a Psychologist with HSP designation or a Senior Psychological Examiner; or the employment of a community mental health center or state governmental agency and the qualified supervision of a Psychologist with HSP designation or a Senior Psychological Examiner.

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting paragraph (4) (a) in its entirety and adding a new subparagraph (4) (a) so that as amended the new rule shall read:

- (a) Supervision must meet minimum standards and a supervisor of record must be made known to the Board. Supervision conducted via face-to-face video conferencing equipment and/or technology is acceptable, assuming compliance with (4)(a) through (4)(g). "Face-to-face" means (a) can see one's face and (b) occurring in real time via video conferencing equipment and/or technology. No more than seventy-five (75) percent of supervision can be obtained through video conferencing.

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting part (4) (a) (1) (i) in its entirety and adding a new part (4) (a) (1) (i) so that as amended the new rule shall read:

- (i) those Certified Psychological Assistants whom the Psychologist or Senior Psychological Examiner supervises and for whom he or she is the supervisor of record; or

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4) (b) in its entirety and adding a new subparagraph (4) (b) so that as amended the new rule shall read:

- (b) Qualified supervision requires that a licensed Psychologist or Senior Psychological Examiner, qualified by experience and training to practice the overall supervised activity or activities, provide supervision on a regular and frequent basis. The supervising Psychologist for Certified Psychological Assistants delivering health services must also be designated as a HSP

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4) (c) in its entirety and adding a new subparagraph (4) (c) so that as amended the new rule shall read:

- (c) The supervising Psychologist or Senior Psychological Examiner shall limit the number of supervisees in order to assure an adequate ratio of supervision hours to practice hours consistent with professional standards and guidelines which insure the welfare of the supervisees and their clients.

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4) (f) in its entirety and adding a new subparagraph (4) (f) so that as amended the new rule shall read:

- (f) The supervising Psychologist or Senior Psychological Examiner has responsibility to require that the Certified Psychological Assistant complete continuing education to maintain continued competence.

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (4) (g) in its entirety and adding a new subparagraph (4) (g) so that as amended the new rule shall read:

- (g) In all cases the specific terms of the supervisory arrangement are the responsibility of the supervising Psychologist or Senior Psychological Examiner upon whom it is incumbent to assure supervisory time and service delivery. Likewise, it is the responsibility of the supervisee to obtain supervision. The supervisor must consider the education, training, experience, ongoing performance and level of licensure of the supervisee. The arrangements for supervision must be agreed to by both the supervisor and the supervisee. The supervising Psychologist or Senior Psychological Examiner of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics

Authority: T.C.A. § 63-11-101

Rule 1180-04-.01 Scope of Practice is amended by deleting subparagraph (5) (d) in its entirety and adding a new subparagraph (5) (d) so that as amended the new rule shall read:

- (d) Providing or claiming to provide the services listed in paragraph (4) without supervision by a Psychologist with HSP designation or Senior Psychological Examiner.

Authority: T.C.A. § 63-11-101

Rule 1180-04-.03 Procedures For Certification is amended by deleting subparagraph (8) (a) in its entirety and adding a new subparagraph (8) (a) so that as amended the new rule shall read:

- (a) One (1) of the required three (3) letters must be from a licensed Psychologist with HSP designation, or if the endorser is from another jurisdiction, HSP licensed equivalent Psychologist. The other letters may be from Psychologists or licensed Senior Psychological Examiners.

Authority: T.C.A. § 63-11-101

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date:

7/10/13

Signature:

Jennifer L. Putnam

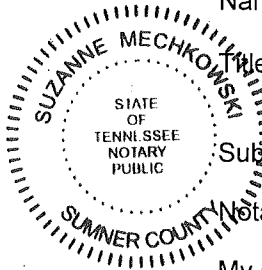
Name of Officer:

Jennifer Putnam

Assistant General Counsel

Department of Health

Title of Officer:



Subscribed and sworn to before me on:

7-10-13

Notary Public Signature:

Suzanne Mechkowski

My commission expires on:

**MY COMMISSION EXPIRES
APRIL 19, 2017**

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Filed with the Department of State on:

7/10/13

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The Hargett
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Secretary of State
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