

2017 -- H 5670

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - PSYCHOLOGISTS

Introduced By: Representative Joseph M. McNamara

Date Introduced: March 01, 2017

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-44-3, 5-44-4, 5-44-5 and 5-44-19 of the General Laws in
2 Chapter 5-44 entitled "Psychologists" are hereby amended to read as follows:

3 **5-44-3. Board of psychology -- Creation -- Composition.**

4 Within the department of professional regulation in the department of health, there shall
5 be a board of psychology consisting of ~~five (5)~~ seven (7) members as provided by § 5-44-4.

6 **5-44-4. Board of psychology -- Appointment, terms, oath, and removal of members.**

7 (a) The director of the department of health shall, with the approval of the governor,
8 appoint ~~five (5)~~ seven (7) electors as members of the board. One member of the board shall be
9 representative of the public, and ~~four (4)~~ six (6) shall be psychologists pursuant to this chapter
10 and each of them shall have been engaged in their profession for at least five (5) years. At least
11 one member of the board shall be an academic psychologist.

12 (b) The director shall, with the approval of the governor, appoint persons to serve on the
13 board for a term of three (3) years and each member shall serve until his or her successor has
14 been appointed and qualified.

15 (c) The director may remove any member from the board for neglect of any duty required
16 by law, or for incompetence, or unprofessional or dishonorable conduct. Vacancies shall be filled
17 in the same manner as the original appointment was made, for the remainder of the term.

18 **5-44-5. Board of psychology -- Organization and meetings.**

19 (a) The board shall organize immediately after the appointment and qualification of its

1 members.

2 (b) The board shall annually elect a chairperson and secretary. Meetings may be called by
3 the chairperson or the director of the department of health or by written request of ~~three (3)~~ four
4 (4) members of the board. A majority of seats filled shall constitute a quorum. The board shall
5 meet as often as necessary.

6 **5-44-19. Procedure for discipline.**

7 (a) When a sworn complaint is filed with the board charging a person with being guilty of
8 any of the actions specified in § 5-44-18, the department shall immediately investigate those
9 charges, or, the board, after investigation, may institute charges.

10 (b) (1) If the investigation reveals reasonable grounds for believing that the applicant or
11 psychologist is guilty of the charges, the board shall fix a time and place for a hearing, and shall
12 serve a copy of the charges, together with a notice of the time and the place fixed for the hearing,
13 personally upon the accused at least twenty (20) days prior to the time fixed for the hearing.

14 (2) The board may investigate and render a decision on any disciplinary complaint
15 against anyone practicing psychology (regardless of whether he or she was licensed at the time of
16 the alleged complaint) or that their license has subsequently been surrendered, revoked or not
17 renewed.

18 (3) The board at its discretion may dismiss or suspend a complaint without a finding as
19 delineated in the rules and regulations so that a person who is the subject of the complaint may
20 participate in colleague assistance program acceptable to the board. The board may suspend a
21 complaint contingent upon the person complying with directions issued by the board. The board
22 may reinstate any suspended complaint at anytime it deems that the person is not in compliance
23 with the directions of the board.

24 (4) When personal service cannot be effected and that fact is certified by oath by any
25 person authorized to make service, the board shall publish once in each of two (2) successive
26 weeks, a notice of the hearing in a newspaper published in the county where the accused last
27 resided according to the records of the board and shall mail a copy of the charges and of the
28 notice to the accused at his or her last known address.

29 (5) When publication of notice is necessary, the date of the hearing shall not be less than
30 twenty (20) days after the last date of publication of the notice.

31 (c) (1) At the hearing, the accused has the right to appear personally or by counsel or
32 both, to produce witnesses and evidence on his or her behalf, to cross-examine witnesses, and to
33 have subpoenas issued by the administrator of professional regulation.

34 (2) The attendance of witnesses and the production of books, documents, and papers at

1 the hearing may be compelled by subpoenas issued by the department, which shall be served in
2 accordance with law.

3 (3) The department shall administer oaths as necessary for the proper conduct of the
4 hearing.

5 (4) The board is not bound by the strict rules of procedure or by the laws of evidence in
6 the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence
7 to sustain it.

8 (5) The board has the authority to delegate a hearing to a hearing officer.

9 (d) If the accused is found guilty of the charges, the board may refuse to issue a
10 registration to the applicant, or may revoke or suspend his or her license, or discipline that person.

11 (e) Upon the revocation or suspension of any license, the license holder shall surrender
12 the license to the department who shall indicate same in the licensure verification database.

13 (f) A revocation or suspension of license may be reviewed at the discretion of the board,
14 or at the initiative of the department who may order a rehearing of the issue if he or she finds
15 cause.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO BUSINESSES AND PROFESSIONS - PSYCHOLOGISTS

- 1 This act would increase the membership of the board of psychology from five (5) to
- 2 seven (7) members and allow the board to delegate disciplinary hearings to a hearing officer.
- 3 This act would take effect upon passage.

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