

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 750 Department or Agency Board of Examiners in Psychology  
Rule No. 740-X-4-.02  
Rule Title: Inactive Status  
 New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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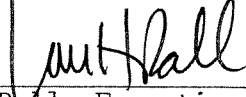
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer   
Lori Rail, Executive Officer

Date 09/19/2013

(DATE FILED)  
(STAMP)

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

**NOTICE OF INTENDED ACTION**

RULE NO. & TITLE: 750-X-1-.01 Membership

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding the diversity requirements of Board member positions.

RULE NO. & TITLE: 750-X-1-.02 Election Of Officers, Terms Of Office, And Duties

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding the nomination process for filling Board positions.

RULE NO. & TITLE: 750-X-1-.03 Filling An Unexpired Term

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding the nomination process for filling Board positions with unexpired terms.

RULE NO. & TITLE: 750-X-1-.08 Alabama Sunset Law

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to adopt the above new rule.

SUBSTANCE OF PROPOSED ACTION: The adoption of this new rule is needed to comply with Act 2013-386 and the Alabama Sunset Law, Title 41, Chapter 20, regarding the Board's termination and continuation dates pursuant to the Alabama Sunset Law.

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

**NOTICE OF INTENDED ACTION CONTINUED**

RULE NO. & TITLE: 750-X-2-.01 Candidates For Licensure

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386. The requirement of U.S. citizenship and/or legal presence in the U.S. is already stated in the Beason-Hammon Alabama Taxpayer & Citizen Protection Act (Act 2011-535).

RULE NO. & TITLE: 750-X-2-.03 Application Form

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding criminal history background checks.

RULE NO. & TITLE: 750-X-2-.07 Internship Training

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to correct a typographical error (adding an apostrophe to a word in 750-X-2-.07(2)(l)).

RULE NO. & TITLE: 750-X-2-.08 Licensure of Applicants Licensed To Practice Psychology In Another Jurisdiction

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding U.S. citizenship and licensure requirements (CPQ and ABPP status), 30-day practice and disaster/emergency practice.

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

**NOTICE OF INTENDED ACTION CONTINUED**

RULE NO. & TITLE: 750-X-2A-.03 Application Form

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding criminal history background checks.

RULE NO. & TITLE: 750-X-3A-.01 Rationale

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 stating that continuing education shall be relevant to or applicable within the practice of psychology.

RULE NO. & TITLE: 750-X-3A-.08 Failure To Comply With Continuing Education Requirements

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding lapsed licensure for failure to engage in continuing education or failure to pay the annual continuing education fee.

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

**NOTICE OF INTENDED ACTION CONTINUED**

RULE NO. & TITLE: 750-X-4-.01 License Renewal

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding lapsed licensure for failure to pay the annual license renewal and continuing education fees.

RULE NO. & TITLE: 750-X-4-.02 Inactive Status

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to adopt the above new rule.

SUBSTANCE OF PROPOSED ACTION: The adoption of this new rule is needed to comply with Act 2013-386 regarding the designation of inactive status of a psychologist license.

RULE NO. & TITLE: 750-X-4-.02 Representation To The Public

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule number.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed for re-numbering purposes (750-X-4-.03) due to the adoption of the subsequent new rule in compliance with Act 2013-386.

RULE NO. & TITLE: 750-X-5-.03 Disciplinary Actions Against Licensed Psychologists and Licensed Psychological Technicians

INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 regarding penalties for violations, judicial review of Board orders, disciplinary oversight of licensees and reporting of disciplinary actions.

ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY

**NOTICE OF INTENDED ACTION CONTINUED**

RULE NO. & TITLE: 750-X-5-.04 Inquiries About Unlicensed Individuals

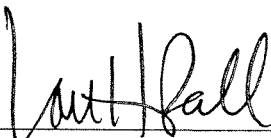
INTENDED ACTION: The Alabama Board of Examiners in Psychology proposes to amend the above rule.

SUBSTANCE OF PROPOSED ACTION: This amendment is needed to comply with Act 2013-386 allowing the Board to bring action in the Circuit Court of Montgomery County for violations of the law, Board rules or Board orders.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2013

TIME, PLACE AND MANNER OF PRESENTING VIEWS: Interested Persons may present their views in writing to the Executive Officer of the Board at any time during the 35-day period following September 30, 2013, or if requested in advance (no later than November 4, 2013), by personally appearing at 660 Adams Avenue, Suite 360, Montgomery, Alabama, on Friday, November 8, 2013 at 10:00 a.m. Contact Person: Mrs. Lori Rall, Executive Officer, Alabama Board of Examiners in Psychology, 660 Adams Avenue, Suite 360, Montgomery, AL 36104.

CONTACT PERSON AT AGENCY: Lori Rall, Executive Officer

  
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Lori Rall  
Executive Officer

(1) A psychologist may request that the Board designate his or her license status as inactive at any time before the annual date of renewal (October 15) by submitting the Inactive Status Application Form. Granting inactive status to a licensee revokes all privileges associated with licensure under the law until reactivation is requested by the licensee. Any individual whose license is on inactive status shall not practice psychology or use the title "Licensed Psychologist" in the State of Alabama. Any person violating this rule shall be considered practicing without a license and shall be subject to disciplinary action by the Board. Inactive status does not negate the jurisdiction of the Board over the actions of a licensee during any period of active licensure.

(2) A psychologist must submit a Continuation of Inactive Status Form by the date of renewal (October 15) each year, or the license shall lapse. Annual notices will be mailed to the licensee's address of record on August 15 of each year with responses due by October 15.

(3) A licensee may have his or her Inactive license reinstated to Active status by satisfying the following criteria:

(a) Submission of the Reinstatement of Active Status Form.

(b) Payment of the current annual renewal and continuing education fees. (See Appendix I, Fee Schedule)

(c) Submission of proof of compliance with continuing education requirements for the previous year.

(4) If a psychologist is alleged to have violated any prohibition on professional conduct as referenced in the law, the Board, upon a hearing and proof of the violation, may deny reinstatement of the license or prohibit the psychologist from applying for reinstatement of licensure.

Author: Alabama Board of Examiners in Psychology

Statutory Authority: Code of Ala. 1975, § 34-26-1, et seq., § 34-26-41

History: Filed