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Chapter 112: Psychologists

SUBCHAPTER 01: GENERAL PROVISIONS

§ 6500. Definitions

As used in this chapter:

- (a) “Board” means the Board of Psychology created under this chapter.
- (b) “Client” means client or patient.
- (c) “Multiple relationship” means a situation in which a psychologist is in a professional role with a person while simultaneously being in another role with that same person or someone closely associated with or related to that person.
- (d) To “practice psychology” means to apply recognized principles, methods, and procedures drawn from the science of psychology, to an individual, family, group, or organization. Practicing psychology includes:
 - (1) diagnosing, assessing, and treating mental, emotional, psychological, behavioral, developmental, and intellectual illnesses, disorders, and problems;
 - (2) performing psychological testing, interviews, and assessments;
 - (3) providing psychotherapy, personality counseling, behavior modification, cognitive therapies, learning therapies, biofeedback, and psychological consultation to individuals and organizations; and
 - (4) rendering expert psychological opinion.
- (e) “Psychologist” means a person licensed under this chapter.
- (f) “Psychologist-doctorate” means a person who is so licensed under this chapter.
- (g) “Psychologist-master” means a person who is so licensed under this chapter.
- (h) “Psychologist-trainee” means a person who is so licensed under this chapter.
- (i) “Psychotherapy” means the provision of treatment, diagnosis, evaluation, or counseling services to individuals or groups for the purpose of alleviating mental health disorders.
- (j) The practice of psychotherapy includes:

- (A) the application of therapeutic techniques to formulate a diagnostic impression and an assessment to understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behavior that interferes with effective emotional, social, or mental functioning; and
- (B) the use of a specialized systematic procedure of psychotherapeutic interaction between the client and the mental-health professional that takes place on a regular basis over a period of time, or, in the case of evaluation and brief psychotherapies, in a single or limited number of interventions.

§ 6501. Board of Psychological Examiners

- (a) **Board continuity.** The Board of Psychological Examiners created in 26 V.S.A. ch. 55 (repealed) is renamed the Board of Psychology. The Board of Psychology is in all ways the same entity as the former Board of Psychological Examiners.
- (b) **Board created.** The Board of Psychology is created.
- (c) **Board composition.** The Board of Psychology is created and consists of 5 members who must all be residents of Vermont. The members must include:
 - (1) 3 licensed psychologists, including at least 1 psychologist-master and 1 psychologist-doctorate; and
 - (2) 2 public members with no financial interest in the profession, either personally or through an immediate family member, other than as a consumer or potential consumer of the profession's services.
- (d) **Experience required.** Professional members must:
 - (1) actively practice psychology during their incumbency;
 - (2) have at least 3 years of credentialed experience practicing psychology.

§ 6502. Powers and duties of the Board.

The Board has the powers and must fulfill the duties enumerated in 3 V.S.A. § 129.

§ 6503. Requirement to be licensed

- (a) A person who is not licensed under this chapter must not:
 - (1) implicitly or explicitly represent themselves to be a psychologist; or

- (2) practice or offer or purport to practice psychology for consideration.
- (b) Violation of this section is unauthorized practice under 3 V.S.A. § 127.

§ 6504. Exemptions from licensing

(a) **People exempted.** The requirement under 26 V.S.A. § 6503 to be licensed does not apply to a person in the discharge of their duties as:

- (1) an educator licensed by the Agency of Education;
- (2) a psychologist teaching in an accredited academic institution;
- (3) a student of psychology;
- (4) a person credentialed under Title 26 and acting within their scope of practice;
- (5) a licensed attorney;
- (6) a certified police officer;
- (7) a member of clergy or other religious ministry;
- (8) a member of self-help group such as a 12-step program, peer counseling, or domestic violence group;
- (9) a respite caregiver, foster care worker, or hospice worker;
- (10) a mediator;
- (11) an employee or contractor of the Agency of Human Services, unless the person:
 - (A) holds a master's degree; and
 - (B) has "psychotherapy" specifically mentioned as a duty in their job description or contract specifications;
- (12) an official evaluator for court purposes;
- (13) an employment or rehabilitation counselor; or
- (14) an employee of a business, corporation, or research facility, if:

- (A) the person provides psychological services solely to the employing entity or its personnel; and
 - (B) the employing entity does not provide psychological services to the public.
- (b) **No use of psychologist title.** Except for people named in § xxx7(a)(1)–(2), a person exempted under this section must not state or imply that they are a psychologist. Doing so is unauthorized practice under 3 V.S.A. § 127.
- (c) **Licensees always covered.** The requirements of this chapter apply to any psychologist or trainee licensed under this chapter, even if they qualify for an exemption from licensing.

§ 6505. Eligibility in general

To be eligible for a psychologist or psychologist-trainee license, an applicant must:

- (a) be at least 18 years old;
- (b) submit a complete application with the Office;
- (c) pay the fee required in 3 V.S.A. § 125; and
- (d) further qualify under this chapter.

§ 6506. Psychologist licensure by examination

To qualify for psychologist licensure by examination, an applicant must:

- (a) hold a degree in psychology that is accredited by the American Psychological Association or otherwise acceptable to the Board by rule and is:
 - (1) for a psychologist-master, a master's degree; or
 - (2) for a psychologist-doctorate, a doctoral degree;
- (b) pass an examination specified by the Board in rule; and
- (c) complete the following supervised practice:
 - (1) for a psychologist-master, 4,000 hours, of which at least 2,000 hours must be completed post-degree; and
 - (2) for a psychologist-doctorate, 3,000 hours, of which at least 1,500 hours must be completed post-degree.

§ 6507. Psychologist licensure by endorsement from other jurisdictions

To qualify for psychologist licensure by endorsement, an applicant must:

- (a) qualify under 3 V.S.A. § 136a; or
- (b) hold an active license to independently practice psychology that is from a U.S. or Canadian jurisdiction with licensing requirements substantially equivalent to Vermont's.

§ 6508. Psychologist-trainee license

- (a) **Defined.** A trainee license authorizes a person to engage in post-degree supervised practice required for independent psychologist licensure.
- (b) **When required.** A person must hold a trainee license in order to engage in supervised practice with a client located in Vermont.
- (c) **Qualifications.** To qualify for a trainee license, an applicant must satisfy education requirements for a psychologist license.
- (d) **Scope of practice.** A trainee's scope of practice is the same as that of the license for which they are training. A trainee may practice only under supervision as specified by the Board in rule.

§ 6509. Renewal of license

To renew a license, a psychologist must:

- (a) pay the renewal fee in _____;
- (b) complete any continuing education required under 26 V.S.A. § 6510; and
- (c) for trainees, demonstrate ongoing efforts toward licensure during the two-year period preceding renewal.

§ 6510. Continuing education

- (a) **Continuing education required.** To renew a license, a psychologist-master or psychologist-doctorate must complete 40 hours of continuing education.
- (b) **Subjects required.** Continuing education must include:
 - (1) at least 1 hour in the area of systematic oppression and anti-oppressive practice or related topic areas;

- (2) at least 1 hour in the area of suicide prevention;
 - (3) for supervisors, at least 5 hours in the area of supervision; and
 - (4) other subjects as specified by the Board in rule.
- (c) **Reciprocity across professions.** Continuing education accepted for any Title 26 mental-health profession counts toward psychologist continuing education.

§ 6511. Disclosure of information

- (a) The Board must adopt rules requiring a psychologist to disclose to each client:
- (1) the psychologist's professional qualifications and experience;
 - (2) those actions that constitute unprofessional conduct; and
 - (3) the method for filing a complaint with the Office of Professional Regulation.
- (b) The Board may adopt rules modifying disclosure requirements in institutional settings.

§ 6512. Unprofessional conduct

It is unprofessional conduct to:

- (a) commit unprofessional conduct as defined in 3 V.S.A. § 129a;
- (b) misuse a title or fail to use a complete title in professional activity;
- (c) harass, intimidate, or abuse a client;
- (d) engage in sexual conduct with a client or client's immediate family member within 5 years after providing psychological services to that client; or
- (e) enter into a multiple relationship that:
 - (1) is with a current client, trainee, research participant, or student; and
 - (2) might impair the psychologist's objectivity or otherwise interfere with their professional obligations.

SUBCHAPTER 02: PRESCRIBING SPECIALTY FOR DOCTORAL-LEVEL PSYCHOLOGISTS

§ 6520. Definitions

As used in this subchapter:

- (a) “Collaborating practitioner” means a physician licensed to practice medicine pursuant to 26 V.S.A. ch. 23 or 26 V.S.A. ch. 33 with a specialty in psychiatry.
- (b) “Drug” has the same meaning as in 26 V.S.A. § 2022.
- (c) “DSM” means the Diagnostic and Statistical Manual of Mental Disorders current at the time of practice.
- (d) “Prescribing psychologist” means a psychologist-doctorate who:
 - (1) is licensed in good standing;
 - (2) undergone specialized training;
 - (3) passed an examination as determined by rule; and
 - (4) holds an active prescribing specialty under this subchapter.
- (e) “Prescribing specialty” means an Office credential granting its holder prescriptive authority as defined in this subchapter.
- (f) “Prescription drug” has the same meaning as in 26 V.S.A. § 2022.
- (g) “Prescriptive authority” means the authority to prescribe or discontinue prescription drugs solely for the purpose of diagnosing, treating, or managing a condition recognized in the DSM. Prescriptive authority excludes the authority to:
 - (1) dispense, administer, or distribute prescription drugs; and
 - (2) prescribe or discontinue prescription drugs for patients who are under 18 years of age, over 80 years of age, or pregnant.

§ 6521. Required qualifications

- (a) **Eligibility in general.** To be eligible for a prescribing specialty, an applicant must:
 - (1) submit a complete application with the Office;
 - (2) pay the fee required by 3 V.S.A. § 125; and
 - (3) further qualify under this section.
- (b) **Specialty by examination.** To qualify by examination, an applicant must:
 - (1) be actively licensed as a psychologist-doctorate;
 - (2) complete a postdoctoral training program in psychopharmacology designated by the American Psychological Association or its successor;

- (3) complete clinical rotations over a total of at least 14 months in at least 5 practice settings, to include psychiatry, geriatrics, family or internal medicine, emergency medicine, and neurology;
 - (4) complete a national certifying exam as specified by the Board in rule; and
 - (5) meet any other requirements as specified by the Board in rule.
- (c) **Specialty by endorsement.** To qualify by endorsement, an applicant must hold active psychologist-prescribing authority in a U.S. or Canadian jurisdiction with prescribing-psychologist credentialing requirements substantially equivalent to Vermont's.

§ 6522. Collaborative agreements

- (a) To prescribe under the specialty, a prescribing psychologist must have a written collaborative agreement with a collaborating practitioner.
- (b) A collaborative agreement must:
 - (1) authorize a prescribing psychologist to prescribe only drugs for the treatment of mental health conditions that the collaborating practitioner generally prescribes in the normal course of practice; and
 - (2) for Schedule II–V controlled substances:
 - (A) identify the specific controlled substance by brand name or generic name; and
 - (B) not authorize prescribing or administering controlled substances by injection.
- (c) A collaborating practitioner must file the collaborative agreement with the Board and must notify the Board if the agreement is terminated.

§ 6523. Prescribing-psychologist rules

The Board must adopt rules that regulate:

- (a) prescribing-psychologist specialty holders, including:
 - (1) the settings of clinical rotations;
 - (2) the minimum requirements for the curriculum of a postdoctoral psychopharmacology program;

- (3) prescriptive authority, including the designation of conditions and drugs excluded from that authority, as well as requirements for the prescribing of particular drugs; and
- (b) collaborative agreements, including collaborating practitioner qualifications and annual competency evaluations.