

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

The updated regulations will repeal R.134-40 and 134-50, repeal and amend sections of 134-30, amend R.134-10, and add a regulation regarding hyperbaric oxygen treatments.

Document No. 5256  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF EXAMINERS IN PSYCHOLOGY**  
 CHAPTER 100  
 Statutory Authority: 1976 Code Sections 40-1-70 and 40-55-40(d)

100-1. Application for License to Practice Psychology.

100-2. Examinations.

100-4. Code of Ethics.

100-6. Advertising.

100-8. Guidelines for the Employment and Supervision of Unlicensed Persons Providing Psychological Services.

100-9. Organization of the Board.

100-10. Continuing Education Credits.

**Synopsis:**

The Board of Examiners in Psychology proposes to add to, amend, and/or repeal its regulations in Chapter 100 of the Code of Regulations.

A Notice of Drafting was published in the State Register on June 23, 2023.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

100-1. Application for License to Practice Psychology.

A. A candidate for licensure shall furnish the Board with satisfactory evidence that he or she:

(1) has had four years of combined academic training in psychology and qualifying experience including a doctoral degree in psychology from an educational institution which is accredited by a recognized regional accrediting agency of colleges and universities, and whose program is accredited by a recognized national accrediting agency. In lieu of such degree, a candidate may meet criteria established by the Association of State and Provincial Psychology Boards (ASPPB);

(2) has not within the preceding six months failed an examination given by the Board;

(3) is competent in psychology as shown by passing such written and oral examinations as the Board deems necessary;

(4) is not engaged in unethical practices; and

(5) has had two years of supervised professional experience, one year of which may be pre-doctoral. The supervisor shall be a psychologist in good standing who is licensed in the State or who holds an equivalent license in good standing from another state. Supervision shall be within the area of the supervisor's competency. There shall be a minimum of one hour per week of face to face supervision as set out in a supervision contractual

## 226 FINAL REGULATIONS

agreement between the supervisor and supervisee, and a minimum of fifty (50) percent of supervision hours must be in-person. The Board shall be notified in writing by the supervisor of the details of the supervisory agreement, when applicable, prior to its initiation and at its conclusion. When the Board deems appropriate, the supervised experience may be waived.

B.(1) An educational institution which is accredited by a recognized regional accrediting agency of colleges and universities is defined as an educational institution which satisfies the standards of the following accrediting association in one of the six regions throughout the United States:

- (a) Southern Association of Colleges and Schools;
- (b) Western Association of Colleges and Schools;
- (c) Northwest Association of Schools and Colleges;
- (d) North Central Association of Colleges and Schools;
- (e) New England Association of Schools and Colleges; or
- (f) Middle States Association of Colleges and Schools.

(2) A program which is accredited by a recognized national accrediting agency is defined as a program which is accredited by the American Psychological Association.

C.(1) Each candidate for licensure must file with the Board written application materials on forms which will be furnished upon request. The application forms must be completed in their entirety with all items completed on all pages. To be assured of Board review, applications for review at a meeting of the Board must be complete 30 days prior to that meeting.

(2) Official, terminal transcripts indicating all graduate course work and degree(s) must be sent by the graduate institution(s) to the Board prior to Board review of the application for licensure.

(3) All educational requirements for licensure (including completion of the doctoral program and the internship or pre-doctoral supervision) must have been satisfied on or before the submission date of the application materials to the Board.

(4) If the Board requests additional information from an applicant, the applicant has 90 days to respond. Failure to respond within 90 days may result in denial of the application. Thereafter, the applicant may be required to submit a new application, fee and documentation. This 90 day deadline may be extended at the discretion of the Board.

(5) The Board has no formal agreements with other state boards to license applicants by reciprocity. The Board can consider for licensure by reciprocity only those applicants for licensure who have been previously licensed by a state board whose criteria for licensure are equal to or more stringent than the criteria used by this Board.

(6) The application process consists of the following requirements:

(a) A Preliminary Application for Licensure which must be approved by the Board prior to continuation with the licensure application process; the Preliminary Application for Licensure must be accompanied by the application fee. The Preliminary Application for Licensure documents graduate course work and training appropriate for licensure; if the applicant has not graduated from a program accredited by the American Psychological Association, then the applicant must attach supporting materials to the Preliminary Application for Licensure (including a description of the graduate program, course descriptions, and program information from a graduate bulletin) to assist Board members in the evaluation of the graduate program.

(b) Formal Application materials which include, but are not limited to, a Formal Application, Pre-doctoral Supervision Form, Supervision Contract, Supervisor's Report Form, three professional references and documentation of a passing score on the Examination for the Professional Practice of Psychology.

(7) An applicant must satisfactorily complete all requirements for licensure within three years from the date of Board approval of the Preliminary Application for Licensure or the applicant may be required to submit a new application, fee and documentation. The Board may extend this period upon sufficient proof of hardship submitted to the Board.

(8) An applicant for a Temporary Permit must complete both the Preliminary Application for Licensure and Formal Application materials and submit these materials with the Temporary Permit fee.

D. An applicant may only advertise in those areas of practice for which he or she demonstrates competence, and appropriate education and training as determined by the Board.

100-2. Examinations.

A. Written examination.

(1) The written examination shall be the Examination for the Professional Practice of Psychology. A passing score on this examination shall be determined by the American Association of State and Provincial Psychology Boards (ASPPB).

B. Oral examination.

(1) A candidate is examined for knowledge of scope of practice, familiarity with professional ethics and familiarity with issues of jurisprudence by a member of the Board.

(2) Entrance to the oral examination is contingent upon prior approval of the Preliminary Application for Licensure and receipt of all Formal Application materials, including a passing score on the Examination for the Professional Practice of Psychology.

(3) An applicant for licensure must personally appear before the Board for the oral examination. In lieu of a full Board appearance, the Board may delegate the oral examination to an individual Board member for administration of the oral examination.

(4) An applicant who fails the oral examination must wait six months before the oral examination can be attempted again.

100-4. Code of Ethics.

A. Introduction.

(1) Code of ethics. These rules of conduct constitute the code of ethics as adopted by the American Psychological Association (“APA”) and as required by the Code of Laws of South Carolina. The Board adopts and incorporates by reference the APA Code of Ethics as the code of ethics for individuals licensed by this Board.

(2) Purpose. The rules of conduct constitute the standards against which the professional conduct of a psychologist is measured. Licensure as a psychologist in the State commits the licensed psychologist to adherence to these rules of conduct.

(3) Scope. The psychologist shall be governed by these rules of conduct whenever providing psychological services in any context. The rules of conduct shall not supersede other state or federal regulations; however, whenever possible, these rules of conduct should be followed along with state and federal law. These rules of conduct shall apply to the conduct of each licensee and each applicant for licensure, including the applicant’s conduct during the period of education, training and supervision which is required for licensure. The term “psychologist,” as used within these rules of conduct, shall be interpreted accordingly.

(4) Responsibility for own actions. The psychologist shall be fully responsible for his/her own professional decisions and professional actions.

(5) Violations. A violation of these rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of either original licensure or reinstatement of licensure.

B. Definitions.

(1) Client. “Client” means a receiver of psychological services. A corporate entity or other organization can be a client when the professional contract is to provide services of benefit primarily to the organization rather than to individuals. In the case of individuals with legal guardians, including minors and legally incompetent adults, the legal guardian shall be the client for decision-making purposes, except that the individual receiving services shall be the client for:

(a) Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships; and

(b) Issues specifically reserved to the individual and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship.

(2) Confidential information. “Confidential information” means information revealed by an individual or individuals or otherwise obtained by a psychologist, where there is reasonable expectation that, because of the relationship between the individual(s) and the psychologist or the circumstances under which the information was revealed or obtained, the information shall not be disclosed by the psychologist without the informed consent of the individual(s). When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when obtained in the proper course of that contract. Such information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is reasonable

## 228 FINAL REGULATIONS

expectation by such individual(s) that such information was obtained in a separate professional relationship with the individual(s) and is therefore subject to confidentiality requirements in itself.

(3) Licensed. "Licensed" means licensed by the South Carolina Board of Examiners in Psychology when such term identifies a person whose professional behavior is subject to regulation by the Board.

(4) Professional service. "Professional service" means all actions of the psychologist in the context of a professional relationship with a client.

(5) Supervisee. "Supervisee" means any person who functions under the extended authority of the psychologist to provide, or while in training to provide, psychological services.

### C. Competence.

(1) Limits on practice. A psychologist shall limit practice and supervision to the area(s) of competence in which proficiency has been gained through education, training and experience as demonstrated to the Board.

(2) Accurate representation. A psychologist shall accurately represent areas of competence, education, training, experience and professional affiliations of the psychologist to the Board, the public and colleagues.

(3) Maintaining competency. A psychologist shall maintain current competency in the area(s) in which he/she practices through continuing education, consultation and/or other procedures, in conformance with current standards of scientific and professional knowledge.

(4) Adding new services and techniques. The psychologist, when developing competency in a service or technique that is either new to the psychologist or new to the profession, shall engage in ongoing consultation with other psychologists or relevant professionals and shall seek appropriate education and/or training in the new area. When such competence involves providing direct human services, the psychologist should inform clients of the innovative nature and the known risks associated with the service(s), so that the client can exercise freedom of choice concerning such service(s).

(5) Referral. The psychologist shall make or recommend referral to other professional, technical or administrative resources when such referral is clearly in the best interests of the client(s).

(6) Sufficient professional information. A psychologist rendering a formal professional opinion about a person (for example, about the fitness of a parent in a custody hearing) shall not do so without direct and substantial professional contact with and a formal assessment of that person.

### (7) Maintenance and retention of records.

(a) The psychologist rendering professional individual services to a client (or a dependent), or services billed to a third party payor, shall maintain professional records that include:

(i) The presenting problem(s) or purpose or diagnosis;

(ii) The fee arrangement;

(iii) The date and substance of each billed or service-count contact or service;

(iv) Any test results or other evaluative results obtained and any basic test data from which they were derived;

(v) Notation and results of formal consults with other providers; and

(vi) A copy of test or other evaluative reports prepared as part of the professional relationship.

(b) To meet the requirements of these rules, but not necessarily for other legal purposes, the psychologist shall assure that all data entries in the professional records are maintained for a period of not less than seven years after the last date that service was rendered or seven years after the age of majority, whichever is later. The psychologist shall also abide by other legal requirements for record retention, even if longer periods of retention are required for other purposes.

(c) The psychologist shall store and dispose of written, electronic and other records in such manner as to assure their confidentiality.

(d) For each person professionally supervised, the psychologist shall maintain, for a period of not less than five years after the last date of supervision, a record of each supervisory session that shall include, among other information, the type, place, and general content of the session.

### (8) Continuity of care.

(a) A psychologist should plan for facilitating services in the event that psychological services are interrupted to deal with the needs of clients during periods of foreseeable or unforeseeable absences from professional availability and inform clients arrangements have been made.

(b) A psychologist must make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of the psychologist's withdrawal from positions or practice.

(c) The psychologist shall designate a partner, personal representative, or other responsible party to assume responsibility for continuity of care, as described above in (a) and (b) in circumstances whereby the licensee is unable for any reason to provide continuity of care, appropriate referral or client records upon a valid request of the patient. Each psychologist licensee must affirm that the licensee has read and understands this obligation and identify a representative or representatives upon application for initial licensure and application for renewal of licensure.

D. Impaired objectivity and dual relationships.

(1) Impaired psychologist. The psychologist shall not undertake or continue a professional relationship with a client when the psychologist is, or could reasonably be expected by the Board to be, impaired due to mental, emotional, physiologic, pharmacologic, or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the psychologist shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination, and shall assist the client in obtaining services from another professional.

(2) Dual relationships affecting psychologist's judgment. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is, or could reasonably be expected by the Board to be, impaired. Factors that should be considered by the psychologist include the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, professional, or legal relationship with the client or a relevant person associated with or related to the client. If such dual relationship develops or is discovered after the professional relationship has been initiated, the psychologist shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination, and shall assist the client in obtaining services from another professional.

(3) Prohibited dual relationships.

(a) The psychologist, in interacting with any current human services client or with a person to whom the psychologist has at any time within the previous 60 months rendered counseling, psychotherapeutic, or other professional psychological services for the evaluation, treatment or amelioration of emotional distress or behavioral inadequacy, shall not:

(i) Engage in any verbal or physical behavior toward him/her which is sexually seductive, demeaning, or harassing; or

(ii) Engage in sexual intercourse or other physical intimacies with him/her; or

(iii) Enter into a financial or other potentially exploitative relationship with him/her.

(b) The prohibitions set out in (a) above shall not be subject to the 60-month limitation and shall extend indefinitely if the client is proven to be clearly vulnerable, by reason of emotional or cognitive disorder, to exploitative influence by the psychologist.

(4) Supervisees. A psychologist shall not initiate or continue a relationship involving the supervision of professional activities with an employee/supervisee when the objectivity or competency of the psychologist is, or could be expected by the Board to be, impaired. Factors that should be considered by the psychologist include the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, professional, or legal relationship with the client or a relevant person associated with or related to the employee/supervisee.

E. Client welfare.

(1) Providing explanation of procedures. A psychologist shall give, subject to professional judgment, a truthful, understandable, and complete account of the client's condition to the client or those responsible for the care of the client. The psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment or other procedures and of the client's right to freedom of choice regarding services provided.

(2) Termination of services. Whenever professional services are terminated, the psychologist shall offer to help locate alternative sources of professional services or assistance, if indicated. The psychologist shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship and shall prepare the client appropriately for such termination.

(3) Stereotyping. The psychologist shall not impose on the client any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference or diagnosis which would interfere with the objective provision of psychological services to the client.

## 230 FINAL REGULATIONS

(4) Sexual or other dual relations with a client. The psychologist shall not enter into a sexual or other dual relationship with a client, as specified in Section (D) of these rules of conduct.

(5) Solicitation of business by clients. The psychologist providing human services to a client shall not induce that client to solicit business on behalf of the psychologist.

(6) Referrals on request. The psychologist providing human services to a client shall make an appropriate referral of the client to another professional when requested to do so by the client.

### F. Welfare of supervisees and research subjects.

(1) Welfare of supervisees. The psychologist shall not exploit a supervisee in any way - sexually, financially or otherwise.

(2) Welfare of research subjects. The psychologist shall respect the dignity and protect the welfare of his/her research subjects and shall comply with all relevant statutes and administrative rules concerning treatment of research subjects.

### G. Protecting confidentiality of clients.

(1) In general. The psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research or other professional duties. With the exceptions set forth below, the psychologist shall disclose confidential information to others only with the informed written consent of the client.

(2) Disclosure without informed written consent. The psychologist may disclose confidential information without the informed written consent of the psychologist when the psychologist judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another person. In such case, the psychologist shall limit disclosure of the otherwise confidential information to only those persons and only that content which would be consistent with the standards of the profession in addressing such problems.

(3) Services involving more than one interested party. In a situation in which more than one party has an appropriate interest in the professional services rendered by the psychologist to a recipient or recipients, the psychologist shall, to the extent possible, clarify to all parties prior to rendering the professional services the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services. Such clarification is specifically indicated, among other circumstances, when the client is an organization.

(4) Multiple clients. When service is rendered to more than one client during a joint session, the psychologist shall at the beginning of the professional relationship clarify to all parties the manner in which confidentiality will be handled. All parties shall be given opportunity to discuss and to accept whatever limitations to confidentiality adhere in the situation.

(5) Legally dependent clients. At the beginning of a professional relationship, to the extent that the client can understand, the psychologist shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality with respect to his/her communications with the psychologist.

(6) Limited access to client records. The psychologist shall limit access to client records to preserve their confidentiality and shall assure that all persons working under the psychologist's authority comply with the requirements for confidentiality of client material.

(7) Release of confidential information. The psychologist may release confidential information in compliance with the Code of Laws of South Carolina or to conform to other state or federal law, rule or regulation.

(8) Reporting of abuse of children and vulnerable adults. The psychologist shall be familiar with any relevant law concerning the reporting of abuse of children and vulnerable adults and shall comply with such law.

(9) Discussion of client information among professionals. When rendering professional services as part of a team or when interacting with other appropriate professionals concerning the welfare of the client, the psychologist may share confidential information about the client to the extent permitted by the Code of Laws of South Carolina, provided the psychologist takes reasonable steps to assure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.

(10) Disguising confidential information. When case reports or other clinical materials are used as the basis of teaching, research or other published reports, the psychologist shall exercise reasonable care to insure that the reported material is appropriately disguised to prevent client identification.

(11) Observation and electronic recording. The psychologist shall ensure that diagnostic interviews or therapeutic sessions with a client are observed or electronically recorded only with the informed consent of the client.

(12) Confidentiality after termination of professional relationship. The psychologist shall continue to treat as confidential information regarding a client after the professional relationship between the psychologist and the client has ceased.

#### H. Representation of services.

(1) Psychologists shall clearly communicate licensure status to practice psychology in this state by displaying a South Carolina license prominently on the premises of the professional practice or by providing visual access to their license upon request.

(2) Misrepresentation of qualifications. Psychologists shall not misrepresent directly or by implication their professional qualifications such as education, experience or areas of competence.

(3) Misrepresentation of affiliations. Psychologists shall not misrepresent directly or by implication their affiliations or the purposes or characteristics of institutions and organizations with which they are associated.

(4) False or misleading information. Psychologists shall not include false or misleading information in public statements concerning psychological services offered.

(5) Misrepresentation of services or products. Psychologists shall not associate with or permit their name to be used in connection with any services or products in such a way as to misrepresent:

(a) The services or products;

(b) The degree of the psychologist's responsibility for the services or products; or

(c) The nature of the psychologist's association with the services or products.

(6) Correction of misrepresentation by others. Psychologists shall correct others who misrepresent the psychologist's professional qualifications or affiliations.

#### I. Fees and statements.

(1) Disclosure of cost of services. The psychologist shall not mislead or withhold from the client, prospective client or third-party payor, information about the cost of professional services.

(2) Reasonableness of fees. The psychologist shall not exploit the client or responsible payor by charging a fee that is excessive for the services performed or by entering into an exploitative bartering arrangement in lieu of a fee.

(3) Itemized fee statement. The psychologist shall itemize fees for all services for which the client or a third party payor is billed and ensure that the itemized statement is available to the client. The statement shall identify the date on which the service was performed, the nature of the service, the name of the individual providing the service and the name of the individual who is professionally responsible for the service.

(4) No misrepresentation. The psychologist shall not misrepresent directly or by implication to the client or to a third party payor billed for services the nature of services, the identity of the person who provided the services or the individual who is professionally responsible for the services provided.

(5) Fees to be claimed only by the provider. The psychologist shall not claim a fee for services unless the psychologist is the direct provider of the services or the individual who is professionally responsible for the provision of the services and under whose direction the services were provided.

(6) No remuneration for referrals. No commission, rebate or other form of remuneration may be given or received by a psychologist for the referral of clients for psychological services.

#### J. Assessment procedures and reports.

(1) Confidential information. A psychologist shall treat an assessment result or interpretation regarding an individual as confidential information.

(2) Communication of results. The psychologist should accompany, subject to professional judgment, communication of results of assessment procedures to the client, parents, legal guardians or other agents of the client by adequate interpretive aids or explanations.

(3) Reservations concerning results. The psychologist shall include in the report of the results of an assessment procedure any deficiencies of the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability or other interpretations of results.

(4) Protection of integrity of assessment procedures. The psychologist shall not reproduce or describe in popular publications, lectures or public presentations psychological tests or other assessment devices in ways that might invalidate them.

## 232 FINAL REGULATIONS

(5) Information for professional users. A psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed material which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that advertisements for the assessment procedure or interpretative service are factual and descriptive.

### K. Violations of law.

(1) Violation of applicable statutes. The psychologist shall not violate any applicable statute or administrative rule regulating the practice of psychology.

(2) Use of fraud, misrepresentation or deception. The psychologist shall not use fraud, misrepresentation or deception in obtaining a psychology license, in passing a psychology licensing examination, in assisting another to obtain a psychology license or to pass a psychology licensing examination, in billing clients or third party payers, in providing psychological service(s), in reporting the results of psychological evaluations or services or in conducting any other activity related to the practice of psychology.

### L. Aiding illegal practice.

(1) Aiding unauthorized practice. A psychologist shall not aid or abet another person in misrepresenting professional credentials or in illegally engaging in the practice of psychology.

(2) Delegating professional authority. A psychologist shall not delegate responsibilities to a person not appropriately credentialed or otherwise appropriately qualified to provide such services.

(3) Providing supervision. A psychologist shall exercise appropriate supervision over supervisees, as set forth in the rules and regulations of the Board.

(4) Reporting of violations to Board. The psychologist who has substantial reason to believe that there has been a violation of the statutes or rules of the Board shall so inform the Board in writing on forms provided by the Board, except that, when the information regarding such violation is obtained in a professional relationship with a client, the psychologist shall report it only with the written permission of the client. Nothing in this code shall relieve a psychologist of the duty to file any report required by applicable statutes.

## 100-6. Advertising.

A. Public statements, announcements of services, advertising, and promotional activities of psychologists serve the purpose of helping the public make 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 must base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

1. When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type and level of certification or licensure, diplomat status, APA membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, languages spoken or signed, and policy with regard to third-party payments. Additional relevant or consumer information may be included if not prohibited by other sections of these Ethical Principles.

2. In announcing or advertising the availability of psychological products, publications, or services, psychologists must not present their affiliation with any organization in a manner that falsely implies sponsorship or certification by that organization. In particular and for example, psychologists may not state APA membership or fellow status in a way to suggest that such status implies specialized professional competence or qualifications.

3. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They may not contain: (a) a false, fraudulent, misleading, or deceptive statement; (b) a statement intended or likely to create false or unjustified expectations of favorable results; or (c) a statement implying unusual, unique, or one-of-a-kind abilities.



100-8. Guidelines for the Employment and Supervision of Unlicensed Persons Providing Psychological Services.

A. Supervised unlicensed persons are defined as those individuals, whether on the path toward licensure or not, performing revenue-producing services of a psychological nature (e.g. psychological assessment, administering and scoring psychological tests, interviewing, individual and group psychotherapy, behavior modification) under the supervision of the licensed psychologist. Trainees and employees in state or federal agencies/facilities are not included in this group and are therefore not subject to the below requirements.

B. Qualifications. The supervising psychologist shall be licensed for the practice of psychology and have adequate training, knowledge and skill to render competently any psychological service which his/her supervisee undertakes.

C. Qualifications of unlicensed persons providing psychological services. The unlicensed service provider must have background, training and experience appropriate to the functions performed. The licensed supervising psychologist is responsible, subject to Board review, for determining the adequacy of preparation of the unlicensed service provider and the designation of his/her title in accordance with the Code of Laws of South Carolina.

D. Conditions for utilization of unlicensed persons providing psychological services.

(1) The licensed psychologist must register the following information, and any other information deemed necessary by the Board, with the Board at the time of biennial license renewal:

- (a) The name of the unlicensed person rendering the psychological service;
- (b) The nature of the psychological services rendered;
- (c) The qualifying academic training and experience of the unlicensed person;
- (d) The nature of the continuing supervision provided by the licensed psychologist.

(2) The person providing psychological services who is not licensed by the Board must be under the direct and continuing administrative and professional supervision of a psychologist licensed by the Board.

(3) The licensed psychologist must be vested with administrative control over the functioning of the unlicensed person in order to maintain ultimate responsibility for the welfare of every client. When the employer is other than the licensed psychologist, the licensed psychologist must have direct input into administrative matters.

(4) The licensed psychologist shall have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures. The progress of the work shall be monitored through such means as will ensure that full legal and professional responsibility can be accepted by the supervising psychologist for all services rendered. Supervising psychologists shall also be available for emergency consultation and intervention.

(5) Work assignments shall be commensurate with the skills of the unlicensed person. All procedures shall be planned in consultation with the supervising psychologist.

(6) The unlicensed employee shall work in the same physical setting as the supervising psychologist, unless other individual arrangements have been approved, in advance, by the Board.

(7) Public announcement of services and fees and contact with the lay or professional community shall be offered only in the name of the supervising licensed psychologist. The title of the unlicensed person must clearly indicate his/her supervised status.

(8) Users of the unlicensed person's services shall be informed of his/her status and shall be given specific information as to his/her qualifications and functions.

(9) Clients shall be informed of the possibility of periodic meetings with the supervising psychologist at their, the service provider's, or the supervising psychologist's request.

(10) Setting and receipt of payment shall remain the sole domain of the employing agency or supervising psychologist.

(11) The supervising psychologist shall establish and maintain a level of supervisory contact consistent with established professional standards and be fully accountable in the event that professional, ethical or legal issues are raised.

(12) No more than the equivalent of three (3) full-time supervisees may be registered for any one supervising licensed psychologist.

E. Conduct of supervision. It is recognized that the variability in the preparation for practice of all personnel will require individually tailored supervision. The range and content of supervision will have to be arranged

## 234 FINAL REGULATIONS

between the individual supervising psychologist and the unlicensed person. A detailed job description in which functions are designated at varying levels of difficulty, requiring increased levels of training, skill and experience should be available. This job description shall be made available to the Board and service recipients, upon request.

(1) Employment of a person who provides psychological services and who is not licensed by the Board requires the supervision of a licensed psychologist.

(2) The licensed psychologist may not be in the employ of his/her supervisee.

(3) The supervising psychologist is responsible for the planning, course and outcome of the psychological services performed by the supervisee. The conduct of supervision shall insure the professional, ethical and legal protection of the client and of the unlicensed person.

(4) An ongoing record of supervision shall be maintained which details the types of activities in which the unlicensed person is engaged, the level of competence in each activity and the outcome of all procedures.

(5) All written reports and communications shall be reviewed, approved and countersigned as by the supervising licensed psychologist.

### 100-9. Organization of the Board.

#### A. Officers.

(1) The officers of the Board shall be the Chair and the Vice-Chair who shall be elected annually and serve a one year term or until their successors shall have been elected.

(2) The Chair shall preside at all meetings and shall perform other duties as the Board may direct. In his/her absence, the next senior officer of the Board will preside.

#### B. Meetings.

(1) At least one meeting shall be held each year.

(2) Other meetings will be arranged as the need is determined by members of the Board.

(3) Special meetings may be held upon the call of the Chair upon five days' written notice.

(4) Called meetings may be held at the written request of any two members of the Board.

(5) Telephone conference meetings may be held at the request of the Chair of the Board to initiate any action which requires consideration before a regular meeting of the Board.

#### C. Board Actions.

Official actions of the Board are those actions approved by official vote of the Board. Unofficial statements made by an individual Board member or staff member are not binding on the Board.

### 100-10. Continuing Education Credits.

A. Number of credits. Each licensed psychologist shall earn a minimum of twenty-four (24) approved continuing education credits during each two year biennial licensure period.

B. Types of credit. A minimum of twelve (12) continuing education credits must be accumulated from Category A offerings and a maximum of twelve (12) continuing education credits can be accumulated from Category B offerings. Psychologists can elect to earn all of their continuing education credits from Category A offerings.

(1) Category A experiences generally include formal activities wherein direct contact hours can be exchanged for continuing education credits on a one to one basis. Each offering under Category A should have a mechanism by which to measure the exchange of information, and, with respect to item (e) below, these offerings must be relevant to psychologist's area(s) of practice. It is the responsibility of the licensed psychologist to confirm completion of each educational experience completed below. Category A generally includes, but is not limited to:

(a) Offerings by regionally accredited institutions of higher learning;

(b) Offerings by the American Psychological Association approved internship training programs;

(c) Offerings by the American Psychological Association, by American Psychological Association approved sponsors, and/or by state or regional psychological associations;

(d) Teaching a graduate course designed for the education of psychologists the first time it is taught;

(e) Offerings by sponsors approved by other national professional organizations that are relevant to specialty area of licensure;

(f) Publishing a scholarly work of a psychological nature in a refereed publication or participating in an editorial review process.

(2) Category B usually involves more informal offerings than Category A and includes, but is not limited to:

- (a) Peer review or supervision by another licensed psychologist or another mental health professional;
- (b) Consultation with another licensed psychologist or another mental health professional;
- (c) Publishing a scholarly work of a psychological nature in a non-refereed publication;
- (d) Attendance or presentation at professional, educational, or scientific meetings, seminars, workshops, etc. of local, state, regional, or national professional organizations or agencies; or
- (e) Reading of professional journals and listening to/viewing self-study tapes and courses of a psychological nature.

C. No carryover of continuing education credits. Under no circumstances will a licensed psychologist who earns more than the minimum number of continuing education credits in the twenty-four (24) month licensure period be permitted to carry over the excess credits to the following licensure period.

D. Reporting of credits. Each licensed psychologist shall report, on a form provided by the Board, completion of a minimum of twenty-four (24) approved continuing education credits in the twenty-four (24) month licensure period at the time of licensure renewal.

E. Monitoring of credits. The Board will request written documentation of completion of a minimum of twenty-four (24) approved continuing education credits during the previous twenty-four (24) month licensure period from a randomly selected sample of licensed psychologists.

F. Penalties. When a licensed psychologist is unable to provide the Board with written documentation of completion of a minimum of twenty-four (24) approved continuing education credits during the previous twenty-four (24) month licensure period, a penalty will be determined by the Board on an individual basis.

APPENDIX A ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS CRITERIA  
Repealed.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

The updated regulation will conform to the practice act by: deleting the provision allowing an applicant to hold a doctoral degree in a closely allied field of psychology; requiring that a minimum of fifty percent of supervision hours must be in-person; adding a requirement that psychologists make plans for continuity of patients' care should the psychologist become unable for any reason to continue providing care to patients; extending the number of months a psychologist must wait before engaging in a sexual or financial relationship with a client from 24 to 60 months; defining supervised unlicensed persons; clarifying continuing education requirements, and deleting an appendix that stated the criteria used to identify and designate educational programs as psychology programs.