CHAPTER 43-32
PSYCHOLOGISTS

43-32-01. Definitions.

1. "Board" means the North Dakota state board of psychologist examiners.
2. "Industrial-organizational psychologist" means an individual who is licensed under this chapter to engage in the practice of industrial-organizational psychology.
3. "Industrial-organizational psychology" means the provision of psychological research services or consultation services to a group or an organization. The term does not include the delivery or supervision of services to individuals who are themselves, rather than the group or organization, the intended beneficiaries of the services, regardless of the source or extent of payment for services rendered.
4. "Industrial-organizational psychology resident" means an individual who has met the requirement of subdivision b of subsection 2 of section 43-32-20, is involved in supervised employment in industrial-organizational psychology, and has registered with the board.
5. "Licensee" means an industrial-organizational psychologist or a psychologist.
6. "Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The term includes psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychotherapy, biofeedback, behavior analysis and therapy, clinical applications of hypnosis, and other therapeutic techniques based on psychological principles; diagnosis and treatment of mental and emotional disorder or disability, compulsive disorders, disorders of habit or conduct as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. The term includes providing psychological services to individuals, families, groups, organizations, institutions, and the public regardless of whether payment is received for services rendered. The term includes supervising others who are engaged in the practice of psychology.
7. "Psychologist" means an individual who is licensed under this chapter in the practice of psychology.
8. "Psychology resident" means an individual who is registered by the board and is actively engaged in supervised practice.
9. "School or college" means any university or other institution of higher learning which is accredited by a regional accrediting association, offering a full-time graduate course of study in industrial-organizational psychology or psychology as appropriate.

43-32-02. State board of psychologist examiners - How appointed - Qualifications.

The governor shall appoint a state board of psychologist examiners consisting of seven members, all of whom are residents of the state. One board member must be designated a public member who is a resident of this state, is at least twenty-one years of age, and is not affiliated with any group or profession that provides or regulates health care in any form. Of the remaining six board members, at least one member must be engaged primarily in providing service in psychology, and at least one member must be engaged primarily in teaching, training, or research in psychology. Except the public member, each member must be licensed under this chapter for at least five years.

43-32-03. Tenure of members - Vacancies and oath of office.

The term of office of each member of the board is three years and until a successor is appointed and qualified. The governor shall fill all vacancies by appointment. In case of a

vacancy before the expiration of a term, the appointment must be for the remainder of the term only. An individual appointed to the board qualifies by taking the oath required of civil officers.

43-32-04. Removal of members.

The governor may remove any member of the board for unprofessional conduct, incompetency, or neglect of duty after giving such member a written statement of the reasons for removal and after such member has had an opportunity to be heard thereon.

43-32-05. Compensation of members - Expenses of board and members.

Each member of the board serves without compensation, but is entitled to receive reimbursement for board expenses, mileage, and travel expenses while engaged in the performance of board duties as provided in section 54-06-09. The secretary of the board is entitled to receive salary or other compensation and allowance for clerical and other expenses of the board, as the board determines.

43-32-06. Officers of the board.

The board shall elect annually a president and vice president from its own number and a secretary who need not be a member of the board.

43-32-06.1. Authority to appoint or employ.

The board may appoint, contract with, or employ persons to assist the board in carrying out its duties under this chapter.

43-32-07. Meetings of board.

The board shall hold at least one regular meeting each year. Additional meetings may be held upon call of the president or at the written request of the governor or of any two members of the board. The meetings must be held at such places as the board may designate.

43-32-08. Rules.

The board may adopt rules as necessary to enable the board to carry into effect the provisions of this chapter. The rules may include a code of ethics for licensees. The board shall adopt rules defining what programs of study are substantially psychological in nature and what educational programs are acceptable for the licensing of psychologists and industrial-organizational psychologists.

43-32-08.1. Continuing education requirements.

The board shall adopt rules establishing requirements for the continuing education of all licensees, psychology residents, and industrial-organizational psychology residents. The board may refuse to renew, suspend, revoke, or place on probationary status any license issued under this chapter if the licensee fails to meet applicable continuing education requirements. Sponsors of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.

43-32-08.2. Continuing education requirements - Renewal.

Absent a showing of good cause, the board may not renew a license issued under this chapter without proof the continuing education requirements under section 43-32-08.1 have been met. An individual whose license is not renewed because of failure to meet the continuing education requirements must be reinstated and the license renewed if, within one year from the date of nonrenewal, the individual demonstrates to the secretary of the board the continuing education requirements have been satisfied, pays the renewal fee, and pays a late fee to be determined by rule of the board.

43-32-09. Examination of qualifications of applicants.

The board shall examine for, deny, approve, revoke, suspend, and renew the licensing of applicants as provided under this chapter.

43-32-10. Power of board to administer oaths - Conduct hearings - Summon witnesses - Take testimony.

The members of the board and the secretary may administer oaths. The board may summon witnesses as provided in chapter 28-32 and take testimony in all matters relating to its duties, including the enforcement of the provisions and purposes of this chapter and the rules adopted by the board.

43-32-11. Annual reports.

Each year, the board may transmit to the governor, with a copy thereof to the secretary of state and to the North Dakota psychological association, a full report of all activities under this chapter, together with a report of all receipts and disbursements.

43-32-12. Application and fee for licensure.

The board shall adopt rules establishing the amount of the application fee for licensure. A fee is not refundable.

43-32-13. Annual license fee.

Annually, the board shall mail or transmit by electronic mail a renewal notice and application to each licensee at the address or electronic mail address on file with the board. Before November fifteenth of each year, every licensee shall apply for renewal on a renewal application form provided by the board and pay to the secretary of the board an annual fee determined by the board by rule. Upon confirmation by the board the renewal application is complete, the criteria for renewal have been met, and the secretary of the board has received payment of the annual fee, the secretary shall issue the licensee a certificate of annual renewal, which commences on January first. An individual may not hold out as an industrial-organizational psychologist or a psychologist until the annual fee is paid. The board may deny renewal of the license of an individual who violates this section. Annually, the board shall mail or electronically mail a renewal notice to each licensee at the address or electronic mail address on file with the board.

43-32-14. Payment of delinquent annual fee - Reinstatement.

If an individual's license issued under this chapter expires for failure to pay the annual fee, the board shall reinstate that individual and renew the license if, within one year from the date of expiration, the individual pays to the secretary of the board the amount of the annual fees in default and a late fee in the amount established by the board by rule and demonstrates all continuing education requirements have been met or the board has granted an extension of the period in which to meet the continuing education requirements.

43-32-15. Deposit and disbursement of fees.

Repealed by S.L. 1971, ch. 510, § 15.

43-32-16. Board to keep records.

1. The board shall keep a record of its proceedings and a register of all applicants for licensing which must show:
   a. The name, date of birth, and residence of each applicant.
   b. The date of each applicant's application.
   c. The place of business of each applicant.
   d. A summary of the educational and other qualifications of each applicant.
   e. Whether an examination was required of an applicant.
   f. Whether a license was granted to an applicant.
   g. The date of the action of the board.
   h. Any information the board determines necessary or advisable in aid of the requirements of this subsection.
2. Except as otherwise provided by law, the records of the board are public records and evidence of the proceedings of the board, and a transcript of board proceedings, duly

certified by the secretary of the board is admissible in evidence with the same effect as if the original were produced.

43-32-17. License required for practice - Titles.

1. Except as otherwise provided under this chapter, a person may not engage in the practice of psychology unless that person is licensed as a psychologist or is registered as a psychology resident under this chapter. Except as otherwise provided by this chapter, a person may not engage in the practice of industrial-organizational psychology unless that person is licensed as a psychologist or industrial-organizational psychologist or is registered as a psychology resident or industrial-organizational psychology resident under this chapter.
2. A person may not use the title "psychologist" or similar title unless that person is licensed as a psychologist. A person may not use the titles "industrial psychologist", "organizational psychologist", or "industrial-organizational psychologist" unless that person is licensed as a psychologist or industrial-organizational psychologist.
3. A person may not use the title "psychology resident" or similar title unless that person is registered as a psychology resident. A person may not use the titles "industrial psychology resident", "organizational psychology resident", or "industrial organizational psychology resident" unless that person is registered as a psychology resident or industrial-organizational psychology resident.

43-32-18. Licensing of psychologists without examination - Qualifications of applicants.

Repealed by S.L. 1997, ch. 378, § 20.

43-32-19. Licensing applicants from other states.

Repealed by S.L. 2009, ch. 376, § 11.

43-32-19.1. Expedited licensure - Licensing applicants licensed or registered in other jurisdictions.

1. The board may grant a license to an applicant who is an individual licensed, certified, or registered in another jurisdiction and who files a completed application on a form and in a manner the board prescribed, submits the required fee, and submits documentation:
   a. Confirming graduation from an accredited program in the degree of licensure for which the individual is applying in this state;
   b. Confirming completion of a national examination required by the board related to competence in psychology;
   c. Identifying all professional licenses, certifications, or registrations previously obtained by the applicant in any jurisdiction;
   d. Explaining any professional or personal conduct that reasonably may be interpreted as indicating an inability to adhere to this chapter, including the code of ethical conduct adopted by the board; and
   e. Providing the board with a release by which the board may obtain from the applicant's current jurisdiction, confirmation of the educational degree the applicant's licensure or registration required, documentation of any disciplinary action related to the applicant's license or registration, and an explanation of all levels in the applicant's profession the current jurisdiction licenses or registers.
2. As a condition to qualify for licensure under subsection 1, the board may require the applicant pass an examination on the ethics, laws, and rules regulating the practice of psychology or industrial-organizational psychology, as appropriate to the licensure sought by the applicant.
3. Notwithstanding any contrary provision of this chapter, the board may issue a license as authorized under chapter 43-51.

4. The board may grant a provisional license to an expedited licensure applicant while the application is pending. The board may deny or place restrictions on a provisional license under this subsection if in another jurisdiction, within the previous five years, the applicant had a disciplinary action against the applicant's license or registration.
5. Except as otherwise provided under this chapter, and in accordance with rules adopted by the board, the board may issue a limited practice certificate to an applicant who is licensed or registered in another jurisdiction to practice psychology or industrial-organizational psychology. A limited practice certificate issued under this subsection authorizes the practice of psychology or industrial-organizational psychology in this state for no more than thirty days in a calendar year.

43-32-20. Licensing - Written and oral examination - Qualifications of applicants.

The board may issue a license to each applicant who files a completed application upon a form and in a manner the board prescribes, submits the required fee, and meets the requirements of subsection 1 or 2.

1. An applicant for licensure as a psychologist shall demonstrate all of the following:
   a. The applicant will adhere to the code of ethical conduct adopted by the board by rule.
   b. The applicant has received, from a school or college, a doctorate degree in a program that is accredited as a doctoral program in psychology by an accrediting body approved by the board by rule.
   c. The applicant has passed the examinations, written or oral, or both, as the board determines necessary.
   d. The applicant has completed at least two full years of supervised professional experience, one year of which must be an internship program, and one year of which may be postdoctoral. Both years of experience must comply with the board's rules.
2. An applicant for licensure as an industrial-organizational psychologist shall demonstrate all of the following:
   a. The applicant will adhere to the code of ethical conduct adopted by the board by rule.
   b. The applicant has received, from a school or college, a doctorate degree in a program of studies accredited by an accrediting body approved by the board by rule.
   c. The applicant has passed the examinations, written or oral, or both, as the board determines necessary.
   d. The applicant has completed the professional experience requirements established by the board. The requirements may not exceed the professional experience requirements for psychologists. If the professional experience requirements include a supervised experience requirement:
      (1) The board must allow an applicant to submit to the board a personalized plan for supervised experience which may include distance-supervision by a qualified industrial-organizational psychologist.
      (2) The board may adopt rules to establish who is qualified to perform supervision, supervision requirements, and reporting.

43-32-20.1. Postdoctoral supervised psychological employment.

1. This section applies to postdoctoral supervised employment in the practice of psychology and industrial-organizational psychology.
2. Before starting supervised employment, a psychologist with at least three years of post-license practice experience must be identified as the primary supervisor. The primary supervisor must have a competency in supervision in professional psychology in the general area of practice being supervised.
3. Supervision must occur weekly and consist of at least one hundred hours of direct supervision, either face-to-face or through distance communications. At least fifty of the hours of supervision must be with the primary supervisor. Additional hours of

supervision may be with other professionals designated by the supervisor and competent in the area of practice being supervised. The board may adopt rules to prorate supervision for individuals preparing for licensure on a part-time basis.

4. a. An applicant seeking registration as a resident shall submit the following to the board:
   (1) A supervision relationship form;
   (2) An application initiation form and fee; and
   (3) A completed online licensure application.
   b. The board shall register an applicant as a resident if the documentation submitted by the applicant confirms the applicant meets the standards required by law.
   c. The board shall adopt rules setting forth the requirements necessary to maintain a residency, including rules related to the supervision requirements for residents.
5. The board may adopt rules regarding postdoctoral psychology and industrial-organizational psychology supervision requirements and reporting.

43-32-21. Consideration of application and notice to applicant.

Upon investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for licensing is satisfactory and accepted, or unsatisfactory and rejected. If rejected, the notice must state the reasons for rejection and explain the right to a hearing under chapter 28-32, if a hearing is requested within thirty days.

43-32-22. Time and place of examination.

The time and place of examination must be designated by the board and notice thereof must be given to each applicant. Such examinations must be given annually and at such other times as in the opinion of the board the number of applicants warrants.

43-32-23. Scope and grading of examination.

The board shall determine the subject and scope of specialized psychological areas and techniques for examination. Written examinations may be supplemented by oral examinations as the board may determine necessary. The board shall determine an acceptable level of performance for each examination and a majority decision of the board is required for the issuing of a license.

43-32-24. Notice to applicant of examination results and right to re-examination.

The board shall inform the applicant of the results of the examination. An applicant who fails the examination may be re-examined at a subsequent examination upon again paying the required examination fee.

43-32-25. Retention of examination records.

The board shall keep the written examination score report, an accurate recording of the questions and answers relating to the oral examinations, and the grade assigned to each answer thereof as a part of the board's records for at least two years following the date of the examination. In addition, the board shall keep a permanent record of all written examination score reports.

43-32-26. Issuance and display of license.

The board is the sole agency empowered to examine competence in the practice of psychology. A certificate of license or registration issued by the board must show the full name of the licensee, have a serial number, be signed by the president of the board, and be attested by the secretary. The license issued by the board under this chapter must be prominently displayed at the principal place of business at which the licensee practices.

43-32-27. Denial - Revocation or suspension of license - Grounds.

1. The board, after notice, hearing, and an affirmative vote of at least a majority of board members, may withhold, deny, revoke, or suspend any license issued or applied for under this chapter and may otherwise discipline a licensee or an applicant upon proof the applicant or licensee:
   a. Has been convicted of an offense determined by the board to have a direct bearing upon an individual's ability to serve the public in the practice of psychology, or if the board finds, after the conviction of any offense, that an individual is not sufficiently rehabilitated under section 12.1-33-02.1.
   b. Is unable to practice psychology with reasonable skill and safety to clients or patients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.
   c. Has impersonated another individual holding a license issued under this chapter or allowed another person to use the licensee's license.
   d. Has used fraud or deception in applying for a license or in taking an examination under this chapter.
   e. Has allowed the licensee's name or license issued under this chapter to be used in connection with any person who performs psychological services outside of the area of that person's training, experience, or competence.
   f. Is legally adjudicated insane or mentally incompetent. The record of the adjudication is conclusive evidence of that fact.
   g. Has engaged in any form of unethical conduct as defined in the code of ethical conduct adopted by the board by rule.
   h. Has become grossly negligent in the practice of psychology.
   i. Has willfully or negligently violated this chapter.
   j. Has engaged in an act in violation of rules adopted by the board.
   k. Has had a license revoked or suspended or was disciplined in another jurisdiction.
2. The board shall state in writing the board's reason for denying a license.
3. The board may assess costs incurred by the board related to investigations and disciplinary actions. By rule, the board may set fees or fines, not to exceed five hundred dollars, for minor infractions of this chapter.
4. An individual whose license has been revoked under this section may not reapply for licensure for at least two years after the date of revocation.
5. Other than the term "in good standing", by rule, the board shall define terms related to license status, such as "revoked", "suspended", "inactive", and "probationary".

43-32-27.1. Complaints - Investigations.

1. A person aggrieved by the actions of a licensee or psychology resident may file a written statement with the board citing the specific allegations of misconduct. The board shall notify the licensee or psychology resident of the allegation and request a written response. The board may establish procedural exceptions for processing multiple allegations from the same person.
2. The board shall determine if the information in an allegation warrants investigation as a complaint, without requiring the source of the information to be made a matter of public record, if the board concludes that good cause exists for preserving the confidentiality of the source.
3. A licensee or psychology resident who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any reasonable question raised by or on behalf of the board relating to the subject of the investigation and providing copies of patient or client records if reasonably requested by the board and accompanied by the appropriate release.
4. In order to pursue an investigation, the board may subpoena and examine witnesses and records, including patient and client records, and may copy, photograph, or take samples of the records. The board may require the licensee or psychology resident to

give statements under oath, to submit to a physical or psychological examination, or both, by a physician or other qualified evaluation professional selected by the board, if requiring an examination is in the best interest of the public. The patient and client records released to the board are not public records. The board may adopt rules to assign, define duties, and compensate an investigator to assist the board to process a complaint.

5. Unless a patient or client release is on file allowing the release of information at the public hearing, patient and client records acquired by the board in the board's investigation are confidential and closed to the public. All board meetings at which patient or client testimony or records are taken or reviewed are confidential and closed to the public. If patient or client testimony or records are not taken or reviewed, the remainder of the meeting is an open meeting unless a specific exemption is otherwise applicable.

43-32-28. Notice - Hearing - Findings of fact and order.

Repealed by S.L. 1997, ch. 378, § 20.

43-32-28.1. Hearing.

All hearings must be conducted pursuant to chapter 28-32. For purposes of a hearing, section 28-32-21 applies only to the licensee or applicant.

43-32-29. Appeal from decision of board.

An appeal from the final decision of the board in any matter covered by this chapter may be taken to the Burleigh County district court or the aggrieved party's county of residence in accordance with chapter 28-32.

43-32-30. Persons exempt from this chapter.

This chapter does not apply to:

1. A student or intern pursuing a course of study in psychology or industrial-organizational psychology at a school or college, if the activities and services are a part of the individual's supervised course of study and are under the supervision of a licensed psychologist who meets the required supervision and continuing education requirements and demonstrates competency in the area of the student's or intern's practice or industrial-organizational psychologist. The student or intern may not use the title "psychologist" or "industrial-organizational psychologist". The student or intern status and the supervisor must be clearly stated.
2. A lecturer, from any school or college, who uses an academic or research title when lecturing to institutions or organizations. However, the lecturer may not engage in the practice of psychology or industrial-organizational psychology unless the lecturer is licensed or registered under this chapter.
3. An individual employed by a public school if that individual's activities and services are restricted to the practice of psychology in the district or service unit of employment. This exemption applies only if the individual has received a master's degree in school psychology from an accredited graduate training program. Standards must be established by mutual consent of the board and the education standards and practices board.
4. An individual certified, licensed, or registered in this state in another health care profession, or as a member of the clergy functioning in a ministerial capacity, whose scope of practice is consistent with the accepted standards of that individual's profession. An individual claiming an exemption under this subsection may not represent to be rendering psychological services.
5. An individual employed by an agency, a nonprofit corporation, or an institution if that individual is currently exempt from licensure. An individual exempt under this subsection continues to be exempt if the individual continues employment in the same

position with the agency, nonprofit corporation, or institution that applied for and received the exemption.

43-32-31. Violation - Penalty - Injunction.

Any person who violates any of the provisions of this chapter is guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of injunction is available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person.

43-32-32. Drugs - Medicine.

This chapter may not be construed as permitting a licensee to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

43-32-33. Applied behavior analysis - Licensure or registration required - Titles.

Repealed by S.L. 2017, ch. 301, § 20.

43-32-34. Applied behavior analysis - Renewal - Fees.

Repealed by S.L. 2017, ch. 301, § 20.

43-32-35. Predoctoral supervised psychological internship.

The board may adopt rules and standards to establish a predoctoral supervised psychological internship program.