

**1999 HOUSE HUMAN SERVICES**

**HB 1152**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1152

House Human Services Committee

Conference Committee

Hearing Date February 8, 1999

Tape Number	Side A	Side B	Meter #
1	X		25.0 - End
1		X	0.0 - 13.3
Committee Clerk Signature <i>Susan Lindtøgen</i>			

Minutes:

DOUG BAHR, Attorney, ND State Board of Psychologist Examiners, testified (Testimony and proposed amendment attached).

Rep. RALPH METCALF asked did this bill come up because of a problem in this area? DOUG BAHR stated last session the law was amended, Chapter 43-32-30, Section 1. For years there had been a section in the law that provided that individuals providing these services with a masters degree could provide them. That was sunset in about 1978. The board continued to provide those exceptions until last year when they were advised of that and came in to delete the subsection because it didn't exist. The legislative assembly last year gave a two year provision that as of July 31, 1999, there will be no further exceptions unless something is changed in this legislation. The masters level is very qualified to provide certain services when they are

supervised by an appropriate licensed individual. The board supports that fully. However, someone with a master's level is not qualified to practice psychology completely on their own.

Rep. DALE HENEGAR stated one of the reasons that this came up before was the fact that Human Services used so many of those people in their organization. Is that not right? DOUG BAHR stated that is correct.

Rep. BRUCE ECKRE asked are you talking about a masters from an accredited University?

DOUG BAHR said I believe the law specifically defines that is the approved program, a masters level in psychology or a degree that is potentially the same. Rep. BRUCE ECKRE asked how many other states have something like this? DOUG BAHR stated first, we are not speaking of a masters level psychology. I think there may be a few states who do actually have a dual licensing system. Minnesota had it for awhile but it caused a lot of problems, so they got rid of it. ND does have a program for masters level psychologist. If something isn't done, the program would be useless if they cannot find employment in ND.

Rep. TODD PORTER asked about the new definition of psychological associate under supervision. It doesn't say direct, indirect, it just says supervision. Please explain further.

DOUG BAHR stated those are things that would have to be defined through the administrative rule process. Rep. TODD PORTER asked is it possible that an insurance company would be required to pay for the services of a psychological associate at the level of a psychologist?

DOUG BAHR stated there are two responses to that. First, who the insurance company is going to bill for it, its up to their company and policies and what they require. Secondly, the psychologist associate can only, under this definition, provide services for state agencies and be contracted with those state agencies. This is not where anyone can run out and hire a

psychological associate. The reason for that is very important. Human Services do have a structure to ensure that the services are being provided properly by psychological associates.

DOUG SEILER, Regional Director, Southeast Human Service Center, Fargo, testified  
(Testimony attached).

Rep. DALE HENEGAR asked if an individual who is at the masters level now wants to go back to school to get a Ph.D., what universities in North Dakota offer that? DOUG SEILER stated there is a doctoral program at the University of ND in psychology. Rep. DALE HENEGAR asked what is the demand in the state? DOUG SEILER stated there are two levels of need. We have a significant problem in the recruitment of doctoral level psychologists in the state. We have lost four Ph.D. level psychologists in the last year and one-half. The salary is a big factor.

Rep. DALE HENEGAR asked what do you perceive down the road; is there a cure for it? DOUG SEILER stated this particular activity will strengthen the quality and the level of supervision that a masters level psychologist needs and it will allow us to look at our entire salary structure as it relates to psychologists. We were only hiring master level psychologists where we were granted an exemption.

Rep. CAROL NIEMEIER asked are there currently psychology associates practicing in counties in social service offices? DOUG SEILER stated to my knowledge, if they are practicing in the county social service setting, they would be practicing under the guise of the human service center. In other words, it would be through the supervision of a Ph.D. at a human service center and they would be an employee of the human service center. Rep. CAROL NIEMEIER stated with a one-year exemption for their education and examination, does that mean that following July 1, 2000, they would be required to be registered? DOUG SEILER stated that is correct.

Page 4

House Human Services Committee

Bill/Resolution Number HB 1152

Hearing Date February 8, 1999

They have one year to be grandparented in without the requirement of taking the examination, however, they will have to provide evidence to the board of psychology that they do have a masters degree from an accredited school of psychology or school with like or similar degree and have been practicing in the state of North Dakota under the current exemption.

OPPOSITION - None

Hearing Closed.

Committee Discussion.

Rep. TODD PORTER addressed his concerns on page 2., definition of psychological associate.

My concerns are that a psychologist gets a contract to provide these services and never have to be in contact with this person and still bill at the higher rate of providing psychologist services but they're using a psychological associate. Rep. DALE HENEGAR agreed this concern should be addressed especially in this unique situation where human service agency can't fill a vacancy with a Ph.D.. Rep. PAT GALVIN discussed concern that under direct supervision it could mean anything. Rep. CLARA SUE PRICE explained they can do it with rules adopted by the board.

Rep. WILLIAM DEVLIN moved to ADOPT AMENDMENT.

Rep. CHET POLLERT second the motion.

VOICE VOTE: 15 yeas, 0 nays, 0 absent

Rep. AMY KLINISKE moved DO PASS As AMENDED.

Rep. WANDA ROSE second the motion.

Further Committee Discussion.

ROLL CALL VOTE #1: 15 yeas, 0 nays, 0 absent

CARRIER: Rep. BRUCE ECKRE

FISCAL NOTE

JAN 12 1999

(Return original and 10 copies)

Bill/Resolution No.: HB 1152 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 1-4-99

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative: This bill, in part, provides for the registration of individuals under the title of Psychological Associates. The Board of Psychologist Examiners, a self-supporting licensing agency, would collect registration fees from individuals wishing to be registered under this provision. These fees would support the Board's expenditures pertinent to this registration process. It is expected that the increased revenues associated with this bill would offset the increased expenditures associated with the proposed registration process.

- 2. State fiscal effect in dollar amounts:

Table with 3 columns: 1997-99 Biennium (General Fund, Special Funds), 1999-2001 Biennium (General Fund, Special Funds), 2001-03 Biennium (General Fund, Special Funds). Rows: Revenues, Expenditures.

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: None, no appropriation for our Board.
b. For the 1999-2001 biennium: None, no appropriation for our Board.
c. For the 2001-03 biennium: None, no appropriation for our Board.

- 4. County, City, and School District fiscal effect in dollar amounts:

Table with 9 columns: 1997-99 Biennium (Counties, Cities, School Districts), 1999-2001 Biennium (Counties, Cities, School Districts), 2001-03 Biennium (Counties, Cities, School Districts).

If additional space is needed, attach a supplemental sheet.

Signed [Signature]

Typed Name Jeffrey E. Holm

Date Prepared: Jan. 8, 1999

Department Board of Psychologist Examiners

Phone Number 701-777-2044

## PROPOSED AMENDMENTS TO HOUSE BILL NO. 1152

Page 2, Line 5, remove “or under contract with”.

Page 2, Line 6, after “agency” insert “or a non-profit agency under contract with any federal, state, county or municipal agency”.

Page 2, Line 8, after “agency” insert “or which the nonprofit agency is under contract with the federal, state, county or municipal agency to provide”

Page 11, Line 6, remove “for master’s level psychologists”.

Page 11, Line 10, after “43-32-30” insert “as amended by section 19 of chapter 378 of the 1997 session laws”.

Renumber accordingly.

VK  
2/9/99

**HOUSE AMENDMENTS TO HOUSE BILL NO. 1152**

**HUMSER 2-9-99**

Page 2, line 5, remove "or under contract with"

Page 2, line 6, after "county" insert an underscored comma and after "agency" insert "or a nonprofit agency under contract with any federal, state, county, or municipal agency"

Page 2, line 8, after "agency" insert "or are related to the contract with that agency"

**HOUSE AMENDMENTS TO HOUSE BILL NO. 1152**

**HUMSER 2-9-99**

Page 11, line 6, remove "for master's level psychologists"

Renumber accordingly



Date: 2-8-99  
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1152

House Human Services Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Amy Glenita Seconded By Wanda Rose

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairwoman	X		Bruce A. Eckre	X	
Robin Weisz - Vice Chairman	X		Ralph Metcalf	X	
William R. Devlin	X		Carol A. Niemeier	X	
Pat Galvin	X		Wanda Rose	X	
Dale L. Henegar	X		Sally M. Sandvig	X	
Roxanne Jensen	X				
Amy N. Kliniske	X				
Chet Pollert	X				
Todd Porter	X				
Blair Thoreson	X				

Total Yes 15 No 0  
 Absent 0

Floor Assignment Bruce Eckre

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1152: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1152 was placed on the Sixth order on the calendar.

Page 2, line 5, remove "or under contract with"

Page 2, line 6, after "county" insert an underscored comma and after "agency" insert "or a nonprofit agency under contract with any federal, state, county, or municipal agency"

Page 2, line 8, after "agency" insert "or are related to the contract with that agency"

Page 11, line 6, remove "for master's level psychologists"

Renumber accordingly

**1999 SENATE HUMAN SERVICES**

**HB 1152**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1152

Senate Human Services Committee

Conference Committee

Hearing Date MARCH 3, 1999

Tape Number	Side A	Side B	Meter #
1	X		
3/9/99 1		X	3,400
3/17/99 2	X		1,675
Committee Clerk Signature <i>Paul Koldejschuk</i>			

Minutes:

The committee was called to order by SENATOR THANE. All senators were present.

The hearing was opened on HB1152.

DOUG BAHR, Asst Attorney General, explained the bill in written testimony. We need providing services to be qualified.

SENATOR THANE asked if there was any problem with the House amendment. MR. BAHR stated that the House amendments were at Board recommendation. SENATOR DEMERS asked what the requirements were to be licensed as a psychologist. MR. BAHR answered that they need a Doctorate from the Psychology program. They have to have one year graduate experience and 1 year postgraduate like internship. Testing score is modified to show difference in level of education. SENATOR KILZER: Are all members of the Board of Psychology at Doctorate level? MR. BAHR: If I remember correctly all Board members are licensed Physiologists and

therefore they would all be at the Doctorate level. SENATOR KILZER: Do the psychology associates want to be regulated by the Board? MR. BAHR: No one has raised that issue with the Board. There are not enough associates to warrant creating a Board for that - only about 11 in the state. There may be a benefit to have one associate, but the issue has never been raised.

SENATOR LEE stated that she thought they needed to be represented on the Board.

BONNIE LARSON-STAIGER, Executive Director of NDPA, supports bill in written testimony.

The House amendment is endorsed by the NDPA. SENATOR KILZER: Do associates have their own organizations. MS. LARSON-STAIGER: No, they do not. This is a new definition; they were currently expressed as exempt positions; now will be known as associate psychologist.

The Board would probably not be adverse to accepting an associate, but they would represent a very small number of people. SENATOR DEMERS: Do you see any difference with Masters Degree. MR. BAHR stated that if they are practicing in psychology with only a Master's Degree they are in violation of the law. They must be licensed to be practicing. SENATOR LEE asked if there are people in private sector who are practicing. MR. BAHR: Exceptions to violation is a nonprofit and state human services. SENATOR LEE: How do we handle the "might want to"?

MR. BAHR: If they do not get a Doctorate; they know they will have to be employed with Human Services. Issues need to be addressed when they get to that point. They can practice as an exempt (Associate). SENATOR DEMERS stated that there are people in Masters sector practicing. MR. BAHR answered that they were not actually practicing, but assisting. We are not changing the kinds of practices. We just want to see that people are protected. SENATOR LEE asked if a sunset would be appropriate. MS LARSON-STAIGER thought it may be.

DOUG SEILER, NDDHS-SEHSC, supports bill with amendment. (written testimony)

SENATOR LEE asked Mr. Seiler to respond to the previous discussion. MR. SEILER: We need to define are we practicing or are we assisting. I am a Masters Degree Counselor from NDSU. I can test and administer various instruments, but I can't interpret those tests. In my professional capacity I have to have the oversight interpretation of a PHD psychologist if I am going to use those tests in any kind of professional capacity. There are only 2 Masters programs in the state - at NDU and NDSU. People entering the program know they must either go on to get their Doctorate or work for an agency. If we put a sunset on this it is going to send a message to the people going into the profession that I wonder if I have a job. SENATOR THANE asked if you are short staffed. MR. SEILER answered there are always openings state wide.

Recruitment is an issue; part of recruitment is tied to state pay schedule. Profession is in high demand. There is a shortage and we do have problems. We often have to add responsibilities. There is a waiting list for need of Doctorate Psychologist. It is the law of supply and demand. The hearing was closed.

Discussion was resumed on 3/9/99. Amendments were drafted to take off all the new language and change date to July 1, 1001. SENATOR DEMERS moved the amendment. SENATOR LEE seconded it. Roll call vote carried 6-0-0. SENATOR LEE moved DO PASS AS AMENDED. Roll call vote carried 6-0-0. SENATOR DEMERS will carry the bill.

SENATOR DEMERS moved to reconsider HB1152. SENATOR LEE seconded it. Voice vote carried. SENATOR DEMERS moved to remove amendments placed on 1152. SENATOR FISCHER seconded it. Discussion. Roll call vote carried. SENATOR DEMERS moved DO

Page 4

Senate Human Services Committee

Bill/Resolution Number HB1152

Hearing Date MARCH 3, 1999

PASS. SENATOR KILZER seconded it. Discussion. Roll call vote carried 6-0-0. SENATOR

DEMERS will carry the bill.

JCS  
3/9/99  
1062

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1152

Page 1, line 1, remove "create and enact two new sections to chapter 43-32 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to registration of psychological associates; and to" and after "reenact" insert "section"

Page 1, remove lines 3 and 4

Page 1, line 5, remove ", and 43-32-32", replace "registration" with "the practice", and after the second "of" insert "psychology."

Page 1, remove line 6

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 29

Page 9, line 2, remove the overstrike over "~~Any person in the employ of any federal, state, county or municipal agency, or~~"

Page 9, remove the overstrike over lines 3 through 6

Page 9, line 7, remove the overstrike over "~~after July 1,~~", after "1999" insert "2001", and remove the overstrike over "~~However, the exemption period may be extended by the board~~"



2 of 2

Page 9, remove the overstrike over lines 8 through 15

Page 9, line 16, remove the overstrike over "~~2~~."

Page 9, line 20, remove the overstrike over "~~3~~." and remove "2."

Page 9, line 23, remove the overstrike over "~~4~~." and remove "3."

Page 9, line 27, remove the overstrike over "~~5~~." and remove "4."

Page 10, line 3, remove the overstrike over "~~6~~." and remove "5."

Page 10, line 7, remove the overstrike over "~~7~~." and remove "6."

Page 10, line 12, remove the overstrike over "~~8~~." and remove "7."

Page 10, line 13, remove "until July 1, 2000."

Page 10, line 16, remove the overstrike over "~~9~~.", remove "8.", remove the overstrike over "~~psychologist~~", and remove "psychology"

Page 10, remove lines 18 through 31

Page 11, remove lines 1 through 11

Renumber accordingly

Date: 3/9/99  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1152

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment

Motion Made By Sen DeMers Seconded By Sen Lee

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
Take off overstrike & change date July 1, 2001 & delete the following of bill.

Date: 3/9/99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 152

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Sen Lee Seconded By Sen DeMers

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment Sen DeMers

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1152, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1152 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact two new sections to chapter 43-32 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to registration of psychological associates; and to" and after "reenact" insert "section"

Page 1, remove lines 3 and 4

Page 1, line 5, remove ", and 43-32-32", replace "registration" with "the practice", and after the second "of" insert "psychology."

Page 1, remove line 6

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 29

Page 9, line 2, remove the overstrike over "~~Any person in the employ of any federal, state, county or municipal agency, or~~"

Page 9, remove the overstrike over lines 3 through 6

Page 9, line 7, remove the overstrike over "~~after July 1,~~", after "1999" insert "2001", and remove the overstrike over "~~However, the exemption period may be extended by the board~~"

Page 9, remove the overstrike over lines 8 through 15

Page 9, line 16, remove the overstrike over "~~2.~~"

Page 9, line 20, remove the overstrike over "~~3.~~" and remove "2."

Page 9, line 23, remove the overstrike over "~~4.~~" and remove "3."

Page 9, line 27, remove the overstrike over "~~5.~~" and remove "4."

Page 10, line 3, remove the overstrike over "~~6.~~" and remove "5."

Page 10, line 7, remove the overstrike over "~~7.~~" and remove "6."

Page 10, line 12, remove the overstrike over "~~8~~:" and remove "7."

Page 10, line 13, remove "until July 1, 2000,"

Page 10, line 16, remove the overstrike over "~~9~~:", remove "8.", remove the overstrike over "~~psychologist~~", and remove "psychology"

Page 10, remove lines 18 through 31

Page 11, remove lines 1 through 11

Renumber accordingly

*adapted*

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1152

In lieu of the amendments adopted by the Senate as printed on pages 700 and 701 of the Senate Journal, Engrossed House Bill No. 1152 is amended as follows:

Page 1, line 1, remove "create and enact two new sections to chapter 43-32 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to registration of psychological associates; and to"

Page 1, line 3, remove "43-32-01, 43-32-08.1, 43-32-08.2, 43-32-09, 43-32-12," and replace ", 43-32-14, 43-32-16," with "and"

Page 1, remove line 4

Page 1, line 5, remove ", and 43-32-32", replace "registration" with "the practice of psychology and the authority"

Page 1, line 6, remove "psychological associates by" and after "examiners" insert "to deny renewal of a license"

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 20

Page 3, line 23, remove "or registration"

Page 3, line 24, remove "and registered psychological associate"

Page 3, line 25, remove "or registration"

Page 3, line 27, remove "or registration" and remove "or registered"

Page 3, line 28, remove "or registration"

Page 3, line 29, remove "or registered psychological associate" and remove "or registration"

Page 3, line 30, remove "or registration"

Page 4, line 1, remove "and"

Page 4, line 2, remove "registered psychological associates"

Page 4, remove lines 3 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 29

Page 9, line 2, remove the overstrike over "Any person in the employ of any federal, state, county or municipal agency, or"

Page 9, remove the overstrike over lines 3 through 6

Page 9, line 7, remove the overstrike over "after July 1," after "1999" insert "2001", and remove the overstrike over "~~However, the exemption period may be extended by the board~~"

Page 9, remove the overstrike over lines 8 through 15

Page 9, line 16, remove the overstrike over "2."

Page 9, line 20, remove the overstrike over "3." and remove "2."

Page 9, line 23, remove the overstrike over "4." and remove "3."

Page 9, line 27, remove the overstrike over "5." and remove "4."

Page 10, line 3, remove the overstrike over "6." and remove "5."

Page 10, line 7, remove the overstrike over "7." and remove "6."

Page 10, line 12, remove the overstrike over "8." and remove "7."

Page 10, line 13, remove "until July 1, 2000."

Page 10, line 16, remove the overstrike over "9.", remove "8.", remove the overstrike over "psychologist", and remove "psychology"

Page 10, remove lines 18 through 31

Page 11, remove lines 1 through 11

Renumber accordingly



Date: 3/16/99  
Roll Call Vote #: 3

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1152

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 98067.0202

Action Taken Amendment

Motion Made By Sen DeMers Seconded By Sen Fischer

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3/16/99  
Roll Call Vote #: 4

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 152

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 98067.0202

Action Taken Do pass as amended

Motion Made By Sen DeMers Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment Sen DeMers

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1152, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1152 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 700 and 701 of the Senate Journal, Engrossed House Bill No. 1152 is amended as follows:

Page 1, line 1, remove "create and enact two new sections to chapter 43-32 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to registration of psychological associates; and to"

Page 1, line 3, remove "43-32-01, 43-32-08.1, 43-32-08.2, 43-32-09, 43-32-12," and replace ", 43-32-14, 43-32-16," with "and"

Page 1, remove line 4

Page 1, line 5, remove ", and 43-32-32", replace "registration" with "the practice of psychology and the authority"

Page 1, line 6, remove "psychological associates by" and after "examiners" insert "to deny renewal of a license"

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 20

Page 3, line 23, remove "or registration"

Page 3, line 24, remove "and registered psychological associate"

Page 3, line 25, remove "or registration"

Page 3, line 27, remove "or registration" and remove "or registered"

Page 3, line 28, remove "or registration"

Page 3, line 29, remove "or registered psychological associate" and remove "or registration"

Page 3, line 30, remove "or registration"

Page 4, line 1, remove "and"

Page 4, line 2, remove "registered psychological associates"

Page 4, remove lines 3 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 29

Page 9, line 2, remove the overstrike over "~~Any person in the employ of any federal, state, county or municipal agency, or~~"

Page 9, remove the overstrike over lines 3 through 6

Page 9, line 7, remove the overstrike over "~~after July 1,~~", after "1999" insert "2001", and remove the overstrike over "~~. However, the exemption period may be extended by the board~~"

Page 9, remove the overstrike over lines 8 through 15

Page 9, line 16, remove the overstrike over "~~2.~~"

Page 9, line 20, remove the overstrike over "~~3.~~" and remove "2."

Page 9, line 23, remove the overstrike over "~~4.~~" and remove "3."

Page 9, line 27, remove the overstrike over "~~5.~~" and remove "4."

Page 10, line 3, remove the overstrike over "~~6.~~" and remove "5."

Page 10, line 7, remove the overstrike over "~~7.~~" and remove "6."

Page 10, line 12, remove the overstrike over "~~8.~~" and remove "7."

Page 10, line 13, remove "until July 1, 2000."

Page 10, line 16, remove the overstrike over "~~9.~~", remove "8.", remove the overstrike over "~~psychologist~~", and remove "psychology"

Page 10, remove lines 18 through 31

Page 11, remove lines 1 through 11

Re-number accordingly

1999 TESTIMONY

HB 1152

TESTIMONY OF DOUGLAS A. BAHR

ON

HOUSE BILL 1152

Madam Chairman, members of the committee, I am Doug Bahr, an assistant attorney general and general counsel to the North Dakota State Board of Psychologist Examiners. I am here today to give a summary of House Bill 1152 on behalf of the Board of Psychologist Examiners.

As explained in the introduction, House Bill 1152 provides for the registration of psychological associates by the Board of Psychologist Examiners. Last session the Legislative Assembly amended N.D.C.C. § 43-32-30(1) to exempt from licensure certain governmental employees and employees of non-profit corporations. The employees primarily affected by the exemption are employees of the Department of Human Services who have master's degrees in psychology. The 1997 amendment to section 43-32-30(1) indicted to the Board that the Legislature would like the Board and the Department of Human Services to review and address issues regarding employees with master's degrees in psychology. With the input from the Department of Human Services, North Dakota Psychological Association, and other interested parties, the Board concluded that providing for registration of psychological associates was the best method of addressing services provided to the government by employees with master's degrees in psychology. Registration of psychological associates helps assure that individuals providing the services are qualified to provide the specific services they are providing and that they are properly supervised, thereby protecting the public, while at the same time providing the state and other governmental entities a less expensive method of providing psychological services to the public.

Section 1. Section 1 amends N.D.C.C. § 43-32-01 to define "psychological associate." A "psychological associate" is an individual registered with the Board to practice psychology under the supervision of a psychologist. Consistent with the current exemption provided in N.D.C.C. § 43-32-30(1), a psychological associate may practice psychology if the psychological associate is an employee of or under contract with any federal, state, county or municipal agency.

Section 2. Sections 2 through 8, 10 through 16, and 18 amend various sections of chapter 43-32 relating to applications, continuing education requirements, renewal, examinations, annual licenses, delinquent licenses, complaints, and disciplinary action to apply to both licensed psychologists and registered psychological associates. Thus, with regard to registration, examination, renewal, continuing education and disciplinary action, registered psychological associates would be treated similarly to licensed psychologists. Of course, the Board will adopt administrative rules

addressing the specific registration, examination, and continuing education requirements for psychological associates.

Section 9. Section 9 amends N.D.C.C. § 43-32-17 to provide that an individual registered as a psychological associate may engage in the practice of psychology in association with a licensed psychologist and in accordance with rules promulgated by the Board. It further provides that an individual may not use the title psychological associate or represent the individual to be a psychological associate unless registered by the Board.

Section 17. Section 17 amends N.D.C.C. § 43-32-30 by deleting the exemption found in subsection 1. The exemption is no longer needed because an individual with a master's degree in psychology or a program of studies substantially psychological in nature can become registered as a psychological associate.

Subsection 8 of section 43-32-30 is renumbered and amended to provide that individuals currently exempt under N.D.C.C. § 43-32-30(1) continue to be exempt until July 1, 2000, if the person continues employment in the same position with the same agency. The exemption is continued until July 1, 2000, so the employee would have sufficient time to be registered as a psychological associate pursuant to section 20.

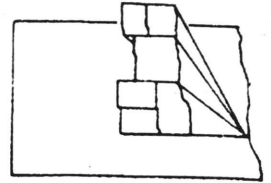
Section 19. Section 19 creates a new section to chapter 43-30 providing the requirements to be registered as a psychological associate. Similar to a licensed psychologist, a registered psychological associate must agree to adhere to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct. A psychological associate must have received from an accredited school or college a master's degree in a program of studies substantially psychological in nature, pass an examination, and met any additional requirements adopted by the Board through rules.

Section 20. Section 20 creates a new section to chapter 43-32. The new section waives the education and examination requirements for individuals who demonstrate they are and have been engaged in the practice of psychology pursuant to subsection 1 of section 43-32-30. In essence, this section is a grandparent provision providing for registration of individuals currently providing psychological services pursuant to N.D.C.C. § 43-32-30(1). An individual who is registered as a psychological associate pursuant to this provision will be required to meet continuing education requirements and other registration renewal requirements.



NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
**SOUTHEAST HUMAN SERVICE CENTER**

2624 TH AVE SW FARGO, ND 58103-2350  
(701) 298-4500 TDD 298-4450 FAX 298-4400



Carol K. Olson, Executive Director  
N.D. Department of Human Services  
State Capitol, Bismarck, ND 58505

Douglas V. Seiler  
Regional Director

**Human Services Committee  
ND House of Representatives  
Clara Sue Price, Chairman  
Testimony in Support of HB 1152**

**Madam Chairman and Members of the Committee. For the record my name is Doug Seiler, and I am the Regional Director of Southeast Human Service Center of Fargo. I am here today to testify in support of House Bill 1152.**

**In the last session when testifying in front of this group regarding Masters Level Degree Individuals in Psychology we asked for continuance of the exemption process which the legislature and the Board of Psychology Examiners had put in place numerous years ago. This exemption was about to sunset which would have created major difficulties for Human Service Centers and the Department to meet the needs of many individuals residing in our communities in need of Behavioral Analysis, Behavioral Intervention and Behavioral Treatment Plans. You granted the request that the exemption be allowed to continue for the current biennium and asked that departmental personnel and individuals from the Board of Psychology meet to bring a long term solution to this concern.**



During the interim a work group made up of members of the Board of Psychology and the Department of Human Services met several times to discuss options and potential solutions available that would meet the mutual needs of both groups.

I am pleased to testify today in support of House Bill 1152 as it represents just that long term solution we believe you were looking for in the last session. This bill effectively recognizes the credentials and importance of Ph.D. Psychologists and the role they play in the effective delivery of services for individuals within the state of North Dakota. It further recognizes that individuals who have graduated with Masters Degree's in psychology have an important role in the delivery of behavioral services in our communities.

In a rural state with many private providers in need of behavioral services this bill will allow human service centers, in partnership with private providers, to continue to provide these needed behavioral services. It will assure quality and meaningful supervision of these services by licensed Ph.D. Psychologists and allow a masters level psychologist to continue to be recognized and work in the professional community as a registered licensed associate. It will put in place a meaningful examination which will continue to assure that individuals who practice as registered licensed associates are qualified to practice in our state and provide these most needed services.

Individuals graduating from recognized programs in psychology with a masters degree will have meaningful professional opportunities should they decide not to pursue a doctorate. Current staff, who have

been practicing, will have opportunity to ask for a waiver of registration requirements for master's level psychologists. "From July 1, 1999 through July 1, 2000, an applicant for registration as a psychological associate is excused from the education and examination requirements upon satisfactory proof to the board that the applicant is, and has been engaged in the practice of psychology to subsection 1 of section 43-32-30.

In closing, it is my belief that this bill will strengthen the quality and oversight of this profession. It will provide meaningful ethical standards, test standards, both written and oral, and an oversight function should malpractice occur. This is something which is needed and provides a far superior status to an "exemption."

I appreciate the opportunity to speak in front of you today and urge a do pass vote on House Bill 1152. I would be pleased to answer any questions I can. Thank you.

RE: HB 1152

Chairperson Thane and Ladies and Gentlemen of the Committee:

My name is Bonnie Larson Staiger, (#52) Executive Director of NDPA.

House Bill 1152 is the result of long hours at the drafting table and the State Board of Psychologist Examiners was willing to listen and incorporate many of our suggestions.

We have come to the conclusion that no bill is ever perfect and we could easily spend the next two years trying in vain to create it. However, we are pleased that the BPE has attempted to craft a bill that also seems to address all of the concerns that this committee and others expressed during last session. Specifically, the “masters-level issue” has reasonable people disagreeing and is one that, unfortunately, I predict will surface again.

And finally, this bill also corrects a few unexpected items from the 1997 version, which would have been problematic for us if left unresolved.

NDPA endorses the bill as passed by the House.

---

*The North Dakota Psychological Association is the professional membership association for North Dakota's doctoral level psychologists and doctoral students. The purpose of NDPA is to advance psychology as a science, as a profession, and as a means of promoting human welfare.*

**SENATE HUMAN SERVICES COMMITTEE**  
**March 3, 1999**

**ENGROSSED HOUSE BILL 1152**

**Testimony of Douglas A. Bahr**

Chairman Thane, members of the Senate Human Services Committee, I am Doug Bahr, an assistant attorney general and general counsel to the North Dakota State Board of Psychologist Examiners. I am here today to give a summary of House Bill 1152 on behalf of the Board of Psychologist Examiners.

As explained in the introduction, House Bill 1152 provides for the registration of psychological associates by the Board of Psychologist Examiners. Last session the Legislative Assembly amended N.D.C.C. § 43-32-30(1) to exempt from licensure certain governmental employees and employees of non-profit corporations. The employees primarily affected by the exemption are employees of the Department of Human Services who have master's degrees in psychology. The 1997 amendment to section 43-32-30(1) indicted to the Board that the Legislature would like the Board and the Department of Human Services to review and address issues regarding employees with master's degrees in psychology. With the input from the Department of Human Services, North Dakota Psychological Association, and other interested parties, the Board concluded that providing for registration of psychological associates was the best method of addressing services provided to the government by employees with master's degrees in psychology. Registration of psychological associates helps assure that individuals providing the services are qualified to provide the specific services they are providing and that they are properly supervised, thereby protecting the public, while at the same time providing the state and other governmental entities a less expensive method of providing psychological services to the public.

Section 1. Section 1 amends N.D.C.C. § 43-32-01 to define "psychological associate." A "psychological associate" is an individual registered with the Board to practice psychology under the supervision of a psychologist. Consistent with the current exemption provided in N.D.C.C. § 43-32-30(1), a psychological associate may practice psychology if the psychological associate is an employee of or under contract with any federal, state, county or municipal agency.

Section 2. Sections 2 through 8, 10 through 16, and 18 amend various sections of chapter 43-32 relating to applications, continuing education requirements, renewal, examinations, annual licenses, delinquent licenses, complaints, and disciplinary action to apply to both licensed psychologists and registered psychological associates. Thus, with regard to registration, examination, renewal, continuing education and disciplinary action, registered psychological associates would be treated similarly to licensed psychologists. Of course, the Board will adopt administrative rules addressing the specific registration, examination, and continuing education requirements for psychological associates.

Section 9. Section 9 amends N.D.C.C. § 43-32-17 to provide that an individual registered as a psychological associate may engage in the practice of psychology in association with a licensed psychologist and in accordance with rules promulgated by the Board. It further provides that an individual may not use the title psychological associate or represent the individual to be a psychological associate unless registered by the Board.

Section 17. Section 17 amends N.D.C.C. § 43-32-30 by deleting the exemption found in subsection 1. The exemption is no longer needed because an individual with a master's degree in psychology or a program of studies substantially psychological in nature can become registered as a psychological associate.

Subsection 8 of section 43-32-30 is renumbered and amended to provide that individuals currently exempt under N.D.C.C. § 43-32-30(1) continue to be exempt until July 1, 2000, if the person continues employment in the same position with the same agency. The exemption is continued until July 1, 2000, so the employee would have sufficient time to be registered as a psychological associate pursuant to section 20.

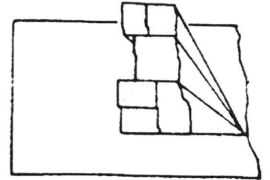
Section 19. Section 19 creates a new section to chapter 43-30 providing the requirements to be registered as a psychological associate. Similar to a licensed psychologist, a registered psychological associate must agree to adhere to the American Psychological Association Ethical Principles of Psychologists and Code of Conduct. A psychological associate must have received from an accredited school or college a master's degree in a program of studies substantially psychological in nature, pass an examination, and met any additional requirements adopted by the Board through rules.

Section 20. Section 20 creates a new section to chapter 43-32. The new section waives the education and examination requirements for individuals who demonstrate they are and have been engaged in the practice of psychology pursuant to subsection 1 of section 43-32-30. In essence, this section is a grandparent provision providing for registration of individuals currently providing psychological services pursuant to N.D.C.C. § 43-32-30(1). An individual who is registered as a psychological associate pursuant to this provision will be required to meet continuing education requirements and other registration renewal requirements.



NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
**SOUTHEAST HUMAN SERVICE CENTER**

2624 TH AVE SW FARGO, ND 58103-2350  
(701) 298-4500 TDD 298-4450 FAX 298-4400



Carol K. Olson, Executive Director  
N.D. Department of Human Services  
State Capitol, Bismarck, ND 58505

Douglas V. Seiler  
Regional Director

**Human Services Committee  
North Dakota Senate  
Russell T. Thane, Chairman  
Testimony in Support of HB 1152**

**Mr. Chairman and Members of the Committee. For the record my name is Doug Seiler, and I am the Regional Director of Southeast Human Service Center of Fargo. I am here today to testify in support of House Bill 1152 as amended.**

**In the last session when testifying in front of this group regarding Masters Level Degree Individuals in Psychology we asked for continuance of the exemption process which the legislature and the Board of Psychology Examiners had put in place numerous years ago. This exemption was about to sunset which would have created major difficulties for Human Service Centers and the Department to meet the needs of many individuals residing in our communities in need of Behavioral Analysis, Behavioral Intervention and Behavioral Treatment Plans. You granted the request that the exemption be allowed to continue for the current biennium and asked that departmental personnel and individuals from the Board of Psychology meet to bring a long term solution to this concern.**

During the interim a work group made up of members of the Board of Psychology and the Department of Human Services met several times to discuss options and potential solutions available that would meet the mutual needs of both groups.

I am pleased to testify today in support of House Bill 1152, as amended, as it represents just that long term solution we believe you were looking for in the last session. This bill effectively recognizes the credentials and importance of Ph.D. Psychologists and the role they play in the effective delivery of services for individuals within the state of North Dakota. It further recognizes that individuals who have graduated with Masters Degree's in psychology have an important role in the delivery of behavioral services in our communities.

In a rural state with many private providers in need of behavioral services this bill will allow human service centers, in partnership with private providers, to continue to provide these needed behavioral services. It will assure quality and meaningful supervision of these services by licensed Ph.D. Psychologists and allow a masters level psychologist to continue to be recognized and work in the professional community as a registered licensed associate. It will put in place a meaningful examination which will continue to assure that individuals who practice as registered licensed associates are qualified to practice in our state and provide these most needed services.

Individuals graduating from recognized programs in psychology with a masters degree will have meaningful professional opportunities should they decide not to pursue a doctorate. Current staff, who have

been practicing, will have opportunity to ask for a waiver of registration requirements for master's level psychologists. "From July 1, 1999 through July 1, 2000, an applicant for registration as a psychological associate is excused from the education and examination requirements upon satisfactory proof to the board that the applicant is, and has been engaged in the practice of psychology to subsection 1 of section 43-32-30. <sup>11</sup>

In closing, it is my belief that this bill will strengthen the quality and oversight of this profession. It will provide meaningful ethical standards, test standards, both written and oral, and an oversight function should malpractice occur. This is something which is needed and provides a far superior status to an "exemption."

I appreciate the opportunity to speak in front of you today and urge a do pass vote on House Bill 1152. I would be pleased to answer any questions I can. Thank you.