

newspaper. The notice shall also be posted in three public places within the area proposed for establishment, modification, or dissolution, and shall specify the time and place of hearing. The expense of publication and posting of the notice shall be paid by the signers of the petition.

NEW SECTION. Sec. 4. Following the hearing, the county legislative authority shall determine by resolution whether the area proposed shall establish, modify the boundaries, or dissolve the county rail district. They may include all or any portion of the proposed area but may not include any property not described in the petition.

NEW SECTION. Sec. 5. All property annexed to a county rail district by a boundary modification under sections 2 through 4 of this act shall assume all or any portion of the outstanding indebtedness of the county rail district existing at the date of modification.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 36.60 RCW.

Passed the Senate February 17, 1986.

Passed the House March 1, 1986.

Approved by the Governor March 10, 1986.

Filed in Office of Secretary of State March 10, 1986.

CHAPTER 27

[Substitute Senate Bill No. 4629]

PSYCHOLOGISTS—LICENSING

AN ACT Relating to psychologists; amending RCW 18.83.020, 18.83.035, 18.83.050, 18.83.080, 18.83.100, 18.83.130, 18.83.190, 18.83.200, and 43.131.323; and adding new sections to chapter 18.83 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 305, Laws of 1955 as amended by section 2, chapter 70, Laws of 1965 and RCW 18.83.020 are each amended to read as follows:

(1) To safeguard the people of the state of Washington from the dangers of unqualified and improper practice of psychology, it ~~((shall be))~~ is unlawful for any person ~~((unless exempted from the provisions of))~~ to whom this chapter(;) applies to represent himself or herself to be a psychologist without first obtaining a license as provided in this chapter.

(2) A person represents himself or herself to be a psychologist when ~~((he))~~ the person adopts or uses any title or any description of services

which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import.

Sec. 2. Section 76, chapter 279, Laws of 1984 and RCW 18.83.035 are each amended to read as follows:

There is created the examining board of psychology which shall examine the qualifications of applicants for licensing. The board shall consist of seven psychologists and two public members, all appointed by the governor. The public members shall not be and have never been psychologists or in training to be psychologists; they may not have any household member who is a psychologist or in training to be a psychologist; they may not participate or ever have participated in a commercial or professional field related to psychology, nor have a household member who has so participated; and they may not have had within two years before appointment a substantial financial interest in a person regulated by the board. Each psychologist member of the board shall be a citizen of the United States who has actively practiced psychology in the state of Washington for at least three years immediately preceding appointment and who is licensed under this chapter. Each member of the board shall serve for a term of five years. ~~((The members of the first board appointed after June 7, 1984, shall determine by lot psychologist members to serve for five, four, and three year terms to stagger the terms, with members of the board existing on June 7, 1984, serving the shorter terms. Public members of the first board appointed after June 7, 1984, shall choose one to serve for five years and one to serve for four years.))~~ Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairperson.

Sec. 3. Section 5, chapter 305, Laws of 1955 as last amended by section 78, chapter 279, Laws of 1984 and RCW 18.83.050 are each amended to read as follows:

(1) The board shall adopt such rules as it deems necessary to carry out its functions.

(2) The board shall examine the qualifications of applicants for licensing under this chapter, to determine which applicants are eligible for licensing ~~((hereunder))~~ under this chapter and shall forward to the director the names of applicants so eligible.

(3) The board shall administer examinations to qualified applicants on at least an annual basis. The board shall determine the subject matter and scope of the examinations and shall require both written and oral examinations of each applicant, except as provided in RCW 18.83.170. The board may allow applicants to take the written examination upon the granting of their doctoral degree before completion of their internship for supervised experience.

(4) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all

applicants, and the names and addresses of all licensed psychologists. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

(5) The board shall, by rule, adopt a code of ethics for psychologists which is designed to protect the public interest.

(6) The board shall create a disciplinary committee within the board for the purposes of hearing, examining, and ruling on complaints and evidence of unethical conduct or practices brought by the public, other psychologists, organizations, corporations, public or private agencies, or officers, agencies, or instrumentalities of state, county, or local governments.

(7) The board may require that persons licensed under this chapter as psychologists obtain and maintain professional liability insurance in amounts determined by the board to be practicable and reasonably available.

Sec. 4. Section 8, chapter 305, Laws of 1955 as amended by section 8, chapter 70, Laws of 1965 and RCW 18.83.080 are each amended to read as follows:

Upon forwarding to the director by the board of the name of each applicant entitled to a license under this chapter, the director shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist" for a period of one year. Said license shall be in such form as the director shall determine. Each licensed psychologist shall keep his or her license displayed in a conspicuous place in his or her principal place of business.

Sec. 5. Section 10, chapter 305, Laws of 1955 as amended by section 10, chapter 70, Laws of 1965 and RCW 18.83.100 are each amended to read as follows:

Failure to renew a license as ~~((herein))~~ provided in this chapter shall suspend such license ~~((:PROVIDED, That)).~~ A license holder whose license has been suspended for failure to renew may reinstate such license by paying to the state treasurer the renewal fees for all of the years in which such failure occurred, together with a renewal fee for the current year, but not to exceed five years. However, no renewal license shall be issued ~~((after one year from the expiration of the last valid license))~~ unless the board shall find that the applicant has not violated any provision of this chapter since his or her license was suspended.

Sec. 6. Section 12, chapter 305, Laws of 1955 as last amended by section 85, chapter 279, Laws of 1984 and RCW 18.83.130 are each amended to read as follows:

The board shall refuse to grant a license to any applicant and shall revoke or suspend the license of any psychologist, or place other restrictions on that psychologist's practice of psychology, for the following reasons:

(1) Commission of any act involving moral turpitude, as defined by the board by rule, dishonesty, or corruption, which relates directly to a person's fitness to practice psychology, whether that act constitutes a crime or not; and if the act constitutes a crime, conviction thereof in criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of guilt of the psychologist of the crime described in the indictment or information and of the violation of the statute upon which it is based.

(2) Failing to maintain the confidentiality of information under RCW 18.83.110.

(3) Violations of the ethical code developed by the board under RCW 18.83.050 and 18.83.120.

(4) Failing to inform prospective research subjects or their authorized representatives of the possible serious effects of participation in research; and failing to undertake reasonable efforts to remove possible harmful effects of participation.

(5) Practicing in an area of psychology for which the person is clearly untrained or incompetent.

(6) Being negligent in the practice of psychology.

(7) Failing to exercise appropriate supervision over persons who practice under the supervision of a psychologist.

(8) Using fraud or deceit in the procurement of the psychology license, or knowingly assisting another in the procurement of such a license through fraud or deceit.

(9) Engaging in the practice of psychology while the person's ability to perform professional services is significantly impaired by alcohol, drugs, illness, or other dysfunctions.

(10) Engaging in the practice of psychology when the person's psychology license has been suspended or revoked by competent authority in any other state, federal, or foreign jurisdiction when the reason for that suspension or revocation is a violation of this chapter or rules adopted by the board and its disciplinary committee.

(11) Unprofessional conduct as defined in chapter 19.68 RCW.

(12) Wilful violation of RCW 18.83.120 or (~~section 79 of this 1984 act~~) 18.83.145 or wilful disregard of the subpoena or notice of the disciplinary committee.

(13) Failure to abide by the terms of corrective actions directed under RCW (~~18.83.150~~) 18.83.145.

(14) Violation of any board rule fixing a standard of professional conduct.

(15) Failure to maintain professional liability insurance when required by the board.

NEW SECTION. Sec. 7. A new section is added to chapter 18.83 RCW to read as follows:

Upon entering a judgment for professional negligence against a psychologist or a criminal conviction relating to professional confidence, a court shall transmit a copy of the judgment and any findings of fact to the disciplinary committee.

Sec. 8. Section 24, chapter 70, Laws of 1965 and RCW 18.83.190 are each amended to read as follows:

If any person represents himself or herself to be a psychologist, unless the person is exempt(ed) from the provisions of this chapter, without possessing a valid license, certificated qualification, or a temporary permit to do so, or if he or she violates any of the provisions of this chapter, any prosecuting attorney, the director, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from representing himself or herself as a psychologist. The injunction shall not relieve the person from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his or her license.

NEW SECTION. Sec. 9. A new section is added to chapter 18.83 RCW to read as follows:

(1) Psychologists licensed under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the board, which will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the psychologist, the receipt of which shall be acknowledged in writing by the psychologist and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the board may require by rule.

(2) In in-patient settings, the health facility shall provide clients with the disclosure statement at the commencement of any program of treatment, and shall post the statement in a conspicuous location accessible to the client.

(3) The board shall provide for modification of the guidelines as appropriate in cases where the client has been referred by the court, a state agency, or other governmental body to a particular provider for specified evaluation or treatment.

Sec. 10. Section 19, chapter 70, Laws of 1965 and RCW 18.83.200 are each amended to read as follows:

This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology but only insofar as such activities are performed as a part of or are dependent upon a position in a college or university in the state of Washington.

(2) Any person who holds a valid school psychologist credential from the Washington state board of education but only when such a person is practicing psychology in the course of his or her employment.

(3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under federal or state certification or civil service regulations; but only at those times when that person is carrying out the functions of his or her employment.

(4) Any person who must qualify under the employment requirements of a business or industry and who is employed by a business or industry which is not engaged in offering psychological services to the public, but only when such person is carrying out the functions of his or her employment: PROVIDED, That no person exempt from licensing under this subsection shall engage in the clinical practice of psychology.

(5) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facilities and who is designated by the title such as "psychological trainee," "psychology student," which thereby indicates his or her training status.

(6) Any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board.

Sec. 11. Section 94, chapter 279, Laws of 1984 as amended by section 109, chapter 7, Laws of 1985 and RCW 43.131.323 are each amended to read as follows:

The powers and duties of the examining board of psychology shall be terminated on June 30, ((1986)) 1992.

Passed the Senate February 14, 1986.

Passed the House March 1, 1986.

Approved by the Governor March 10, 1986.

Filed in Office of Secretary of State March 10, 1986.