



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# HOUSE BILL 890: Amend Psychology, Podiatry, Pastoral Counslr.

2017-2018 General Assembly

<b>Committee:</b>	House Health. If favorable, re-refer to Finance	<b>Date:</b>	May 9, 2017
<b>Introduced by:</b>	Reps. Jordan, Zachary, Malone	<b>Prepared by:</b>	Theresa Matula Committee Staff
<b>Analysis of:</b>	PCS to First Edition H890-CSSH-22		

**OVERVIEW:** *The Proposed Committee Substitute for House Bill 890 amends the Psychology Practice Act to establish an inactive licensure status for licensees, to revise record retention requirements, and to increase various licensing fees; the PCS provides an annual fee increase for podiatrists; and an annual fee increase for pastoral counselors and pastoral counseling associates.*

### CURRENT LAW:

Article 18A of Chapter 90 provides for the Psychology Practice Act.

Article 12A of Chapter 90 pertains to podiatrists.

Article 26 of Chapter 90 pertains for fee-based practicing pastoral counselors.

### BILL ANALYSIS:

**Section 1** would add a new section to the Psychology Practice Act pertaining to inactive status. The new section, G.S. 90-270.14A, would allow a licensee to request the North Carolina Psychology Board (Board) to place him or her on inactive status. A licensee on inactive status would be required to pay a fee at every renewal period and would not be allowed to practice psychology without holding a current active license. A licensee on inactive status may reactivate a license by completing the application for reactivation; paying a reactivation fee; and completing other reactivation requirements which may include a criminal history record check, continuing education, fitness to practice evaluation, examination, and supervision.

**Section 2** would amend G.S. 90-270.15 pertaining to disciplinary actions; and denial, suspension and revocation of licenses to specifically allow the Board to act upon proof that a licensee has had a license or certification for any mental health profession in the State suspended or revoked, or who has been disciplined by a licensing or certification board in this State. This section would also remove the language in the Code of Conduct that authorizes the Board to act on a psychologist failing to securely and confidentially retain the case record for three years from the date of the attainment of majority age by the patient or client or for at least seven years from the date of the last provision of psychological services, whichever is longer. The requirement that a psychologist securely and confidentially retain a complete case record for at least seven years from the date of the last provision of psychological services, except when prevented from doing so by circumstances beyond the psychologist's control, remains in place.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 890

Page 2

**Section 3** would amend G.S. 90-270.18(b) which authorizes the fees that may be charged by the Board for various activities. Below are the fee increases the bill would authorize.

- The *application fee* for licensed psychologists and licensed psychological associations is increased from \$100 to the cost of application as set by the vendor, if applicable, plus an additional fee not to exceed \$300. Additionally, the Board is authorized to require applicants to pay the fee directly to the vendor.
- The fee for *license renewal* is being increased from a ceiling of \$250 to a ceiling of \$400 per biennium.
- The *late fee for license renewal* is being increased from \$25 to \$75.
- The fee to *reinstate a license* is being increased from a ceiling of \$100 to a ceiling of \$200.
- The fee for a *duplicate license* is being increased from \$25 to \$75.
- The fee for a *temporary license* is being increased from \$35 to \$50.
- The fee for a health services provider certification is being increased from \$50 to \$100.
- A \$100 fee for each renewal period to place a *license on inactive status*, corresponding to Section 1 of the bill, is being added.
- A \$300 fee for *reactivating an inactive status license* is also being added.

**Section 4** conforms to Section 1 by amending G.S. 90-270.22 pertaining to criminal history record checks. The amendments would authorize the Board to request an applicant for reactivation of a license to consent to a criminal history record check.

**Section 5** amends G.S. 90-202.10 which authorizes the annual fee for podiatrists engaged in the practice of podiatry. The PCS increases the fee from \$200 to \$350 per year.

**Section 6** amends G.S. 90-389 pertaining to the renewal certificates for fee-based pastoral counselors and fee-based pastoral counseling associates. The PCS increases the annual fee from \$100 to \$300 per year.

**EFFECTIVE DATE:** The PCS for House Bill 890 would become effective October 1, 2017.

## **BACKGROUND:**

### Most Recent Fee Increases:

- The last fee increase authorized by the General Assembly for the Psychology Practice Act was in 1993. S.L. 1993-375 authorized the fees currently contained in G.S. 90-270.18(b)(1)-(9).
- The last annual fee increase for the pastoral counselors and associates was in 1991 (S.L.1991-670).
- The last annual fee increase for podiatrists was in 1991 (S.L. 1991-457).

### Inactive Status:

There are a number of healthcare-related licensure boards that are authorized to allow a licensee to go on inactive status, including, but not limited to: Physicians (G.S. 90-13.2(d)), Nurses (G.S. 90-171.36), Marriage and Family Therapists (G.S. 90-270.58B), Acupuncturist (G.S. 90-455), Recreational Therapists (G.S. 90C-31).