



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

2017-2018 General Assembly

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<b>Committee:</b> House Finance	<b>Date:</b> May 10, 2017
<b>Introduced by:</b> Reps. Jordan, Zachary, Malone	<b>Prepared by:</b> Greg Roney
<b>Analysis of:</b> Second Edition	Committee Counsel

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## **OVERVIEW:** *House Bill 890 would*

- *Amend the Psychology Practice Act to establish an inactive licensure status, revise record retention requirements, and increase various licensing fees*
- *Increase the annual fee for podiatrists*
- *Increase the annual fee 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 to fee-based practicing pastoral counselors.

## **BILL ANALYSIS:**

**Section 1** would add a new section, G.S. 90-270.14A, to the Psychology Practice Act. New G.S. 90-270.14A would allow a licensee to request the NC Psychology Board (Board) to place the licensee 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. The bill requires a psychologist to 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.

**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.

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# House Bill 890

Page 2

- *Application fee* for licensed psychologists and licensed psychological associates 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.
- *License renewal fee* is increased from a ceiling of \$250 to a ceiling of \$400 per biennium.
- *Late fee for license renewal* is increased from \$25 to \$75.
- *Reinstate a license fee* is being increased from a ceiling of \$100 to a ceiling of \$200.
- *Duplicate license fee* is increased from \$25 to \$75.
- *Temporary license fee* is increased from \$35 to \$50.
- Health services provider certification fee is 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 bill 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 bill increases the fee from \$100 to \$300 per year.

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

**BACKGROUND:** The most recent fee increases for licenses in the bill are:

- 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 podiatrists was in 1991 (S.L. 1991-457).
- The last annual fee increase for the pastoral counselors and associates was in 1991 (S.L. 1991-670).

**Inactive Status:** There are a number of healthcare-related licensure boards that are authorized to allow a licensee to go on inactive status including: 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).

*Theresa Matula with the Legislative Analysis Division substantially contributed to this summary.*