

IC 25-33

ARTICLE 33. PSYCHOLOGISTS

IC 25-33-1

Chapter 1. Regulation of Psychologists; Creation of Board

IC 25-33-1-1

Repealed

(Repealed by P.L.140-1993, SEC.20.)

IC 25-33-1-1.1

Exempt persons

Sec. 1.1. (a) Subject to subsection (b), this article exempts a person who does not profess to be a psychologist and who is:

- (1) a licensed marriage and family therapist;
- (2) a licensed social worker or a licensed clinical social worker;
- (3) a licensed mental health counselor;
- (4) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;
- (5) a licensed or certified health care professional;
- (6) a licensed attorney;
- (7) a student, an intern, or a trainee pursuing a course of study in psychology in an accredited postsecondary educational institution or training institution if the psychology activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision as determined by the board;
- (8) an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; or
- (9) any other certified or licensed professional.

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(7) or (a)(9) must provide services:

- (1) within the scope of the person's practice, license, education, and training; and
- (2) according to any applicable ethical standards of the person's profession.

As added by P.L.140-1993, SEC.7. Amended by P.L.184-1997, SEC.1; P.L.2-2007, SEC.343; P.L.197-2007, SEC.87.

IC 25-33-1-2

Definitions

Sec. 2. (a) As used in this article:

"Appraisal instrument" means:

- (1) a career and occupational instrument;
- (2) an adaptive behavioral and symptom screening checklist; or
- (3) an inventory of interests and preferences;

that is administered for the purpose of counseling individuals to cope with or adapt to changing life situations or to situations that are due to problems in living. The term includes marital, relational, communicational, parent and child, family system assessment instruments, and employment counseling.

"Board" means the state psychology board.

"Person" means an individual, firm, partnership, association, or corporation.

"Practice of psychology" includes the following:

- (1) Construction, administration, and interpretation of tests of intellectual and cognitive abilities, aptitudes, skills, interests, attitudes, personality characteristics, perception, emotion, motivation, and opinion.
- (2) Diagnosis and treatment of mental and behavioral disorders by a health service provider in psychology.
- (3) Educational and vocational planning and guidance.
- (4) Personnel selection and management.
- (5) Arrangement of effective work and learning situations.
- (6) Resolution of interpersonal and social conflicts.
- (7) Techniques used in interviewing, counseling, psychotherapy, and behavior modification of individuals or groups.
- (8) Supervision of psychological services.
- (9) Teaching of any of the practices listed in this subsection.
- (10) The planning and conduct of research on human behavior.

"Psychological services" means acts or behaviors coming within the purview of the practice of psychology (as defined in this article).

"Recognized postsecondary educational institution" means any college, university, school, or similar educational establishment approved by the board for the purposes of this article.

"Agency" means the Indiana professional licensing agency under IC 25-1-5.

"Approved organization" means any organization or individual approved by the board.

"Continuing education course" means an orderly process of instruction that is designed to directly enhance the practicing psychologist's knowledge and skill in providing relevant psychological services, and that is approved by an approved organization.

(b) Nothing in this article shall be construed as permitting individuals licensed as psychologists to engage in any manner in the practice of medicine or optometry (as defined in the laws of this state).

(c) Nothing in this article shall be construed as permitting a psychologist to prescribe medication, unless a psychologist is participating in a federal government sponsored training or treatment program. An individual licensed as a psychologist may not prescribe medication unless the individual is a practitioner (as defined under

IC 16-42-19-5).

(Formerly: Acts 1969, c.416, s.2.) As amended by Acts 1981, P.L.222, SEC.243; P.L.249-1985, SEC.1; P.L.169-1985, SEC.95; P.L.149-1987, SEC.94; P.L.140-1993, SEC.8; P.L.184-1997, SEC.2; P.L.1-2006, SEC.477; P.L.2-2007, SEC.344.

IC 25-33-1-3

Creation of board; powers and duties; expenses

Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

- (1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.
- (2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.
- (3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.
- (4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this

article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

(g) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

(Formerly: Acts 1969, c.416, s.3.) As amended by Acts 1976, P.L.119, SEC.26; Acts 1977, P.L.172, SEC.49; Acts 1979, P.L.17, SEC.50; Acts 1981, P.L.222, SEC.244; P.L.249-1985, SEC.2; P.L.149-1987, SEC.95; P.L.140-1993, SEC.9; P.L.184-1997, SEC.3; P.L.1-2005, SEC.196; P.L.246-2005, SEC.211; P.L.1-2006, SEC.478; P.L.197-2007, SEC.88.

IC 25-33-1-4

Application for license

Sec. 4. (a) Application for a license issued under this article shall be made to the board on such form and in such manner as the board shall prescribe. The applicant shall furnish satisfactory evidence of qualifications that are required under this article or by the board. Each applicant shall be notified in writing of the board's decision concerning the applicant's application within thirty (30) days after a decision has been reached.

(b) Upon approval by the board of an applicant's application for examination, a temporary license shall be issued by the board and shall be in force until the board has notified the applicant of the applicant's examination results. If an applicant fails to take the next scheduled examination, the applicant's temporary license is revoked without further action by the board. A temporary license may be issued only for an applicant's first application.

(c) The board may adopt rules under section 3 of this chapter

establishing additional requirements for any applicant who has failed the examination three (3) or more times.

(Formerly: Acts 1969, c.416, s.4.) As amended by P.L.249-1985, SEC.3; P.L.149-1987, SEC.96; P.L.140-1993, SEC.10.

IC 25-33-1-4.5

Limited scope temporary psychology permit

Sec. 4.5. (a) A person who:

(1) is licensed to practice psychology by any board or licensing agency of another state or jurisdiction; and

(2) meets the requirements established by the board;

may be issued a temporary psychology permit limited by terms and conditions considered appropriate by the board. A limited scope temporary psychology permit issued under this subsection is valid for a nonrenewable period of not more than thirty (30) days. A psychologist may practice under a limited scope psychology permit not more than thirty (30) days every two (2) years.

(b) The board may adopt rules under section 3 of this chapter establishing requirements for limited scope temporary psychology permits.

(c) An individual who holds a limited scope temporary psychology permit under this section may be disciplined by the board under IC 25-1-9.

As added by P.L.157-2006, SEC.69.

IC 25-33-1-5

Repealed

(Repealed by P.L.249-1985, SEC.18.)

IC 25-33-1-5.1

Issuance of license; endorsement as health service provider in psychology; preceptorship program

Sec. 5.1. (a) Except as provided in section 5.3 of this chapter, the board shall issue a license to an individual who meets the following requirements:

(1) Applies to the board in the form and manner prescribed by the board under section 3 of this chapter.

(2) Is at least eighteen (18) years of age.

(3) Has not been convicted of a crime that has a direct bearing upon the applicant's ability to practice competently.

(4) Possesses a doctoral degree in psychology:

(A) granted from a recognized postsecondary educational institution; and

(B) from a degree program approved by the board as a psychology program at the time the degree was conferred.

(5) Is not in violation of this chapter or rules adopted by the board under section 3 of this chapter.

(6) Has paid the fee set by the board under section 3 of this

chapter.

(7) Has passed the examination required and administered by the board.

(b) If an applicant has been disciplined by a licensing agency in another state or jurisdiction on the ground that the applicant was unable to competently practice psychology, the applicant must submit proof, satisfactory to the board, that the reasons for disciplinary sanction by the other licensing agency are no longer valid.

(c) The board shall endorse as a health service provider in psychology an individual who:

(1) has a doctoral degree in clinical psychology, counseling psychology, school psychology, or another applied health service area of psychology;

(2) is licensed under this section, section 5.3, or section 9 of this chapter;

(3) has at least two (2) years of experience in a health service setting that includes:

(A) one (1) year of experience that was obtained in an organized health service training program and at least one

(1) year of experience that was obtained after the individual received the individual's doctoral degree in psychology; or

(B) upon the adoption by the board of a rule defining "sequential and organized", sequential and organized supervised professional experience in a health service setting in which one (1) year of experience was obtained in an organized health service training program; and

(4) complies with the continuing education requirements under IC 25-33-2.

(d) An individual who received a doctoral degree in clinical psychology, counseling psychology, school psychology, or other applied health service area in psychology before September 1, 1983, may satisfy one (1) year of the two (2) year supervised health setting experience requirement under subsection (c) by successfully completing a preceptorship program. The individual must apply in writing to the board and the board must approve the program. The preceptorship program must:

(1) consist of at least one thousand eight hundred (1,800) hours of clinical, counseling, or school psychology work experience;

(2) consist of at least one hundred (100) hours of direct supervision of the individual by a psychologist, at least fifty (50) hours of which must involve the diagnosis of mental and behavioral disorders and at least fifty (50) hours of which must involve the treatment of mental and behavioral disorders;

(3) be completed in a health service setting that provides services in the diagnosis and treatment of mental and behavioral disorders;

(4) be under the supervision of a psychologist who meets the

requirements for endorsement under this section; and
(5) be completed within two (2) years after the date the program is started.

(e) If an individual applies to the board under subsection (d), the board shall apply each hour of work experience the individual completes after applying to the board and before the board approves the preceptorship program to the one thousand eight hundred (1,800) hour work experience requirement under subsection (d)(1).

As added by P.L.249-1985, SEC.4. Amended by P.L.149-1987, SEC.97; P.L.152-1988, SEC.27; P.L.96-1990, SEC.16; P.L.33-1993, SEC.68; P.L.140-1993, SEC.11; P.L.1-1994, SEC.128; P.L.2-2007, SEC.345; P.L.177-2009, SEC.57.

IC 25-33-1-5.3

Issuance of license

Sec. 5.3. The board shall issue a license to an individual who:

- (1) holds a limited license under section 18 of this chapter;
- (2) applies to the board in the form and manner prescribed by the board;
- (3) pays a fee;
- (4) passes an examination on the state or federal statutes, state rules, and federal regulations that the board determines by rule to be relevant to the practice of psychology; and
- (5) has practiced psychology continuously since September 1, 1985.

As added by P.L.96-1990, SEC.17. Amended by P.L.140-1993, SEC.12.

IC 25-33-1-6

Repealed

(Repealed by P.L.249-1985, SEC.18.)

IC 25-33-1-7

Repealed

(Repealed by P.L.249-1985, SEC.18.)

IC 25-33-1-8

Repealed

(Repealed by P.L.249-1985, SEC.18.)

IC 25-33-1-9

Issuance of license by reciprocity; refusal to issue or issuance of probationary license; conditions

Sec. 9. (a) The board shall issue a license to practice psychology to an individual who:

- (1) applies in the manner required by the board;
- (2) pays a fee;
- (3) is at least eighteen (18) years of age;

- (4) has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently;
- (5) holds, at the time of application, a valid license or certificate as a psychologist from another state;
- (6) possesses a doctoral degree from a recognized postsecondary educational institution;
- (7) has successfully completed:
 - (A) a degree program that would have been approved by the board at the time the individual was licensed or certified in the other state; or
 - (B) if the individual was licensed or certified in the other state before July 1, 1969, a degree program that satisfied the educational requirements of the board in effect January 4, 1971;
- (8) has practiced psychology continuously since being licensed or certified;
- (9) if the individual was licensed or certified by the other state:
 - (A) after September 30, 1972, has taken the Examination for the Professional Practice of Psychology and achieved the passing score required by the board at the time the examination was administered; or
 - (B) before January 1, 1990, and the other state required an examination other than the Examination for the Professional Practice of Psychology, and the individual achieved a passing score in the other state at the time of licensure or certification;
- (10) has passed an examination administered by the board that covers Indiana law related to the practice of psychology; and
- (11) is not in violation of this chapter or rules adopted under this chapter.

(b) The board may adopt rules under IC 4-22-2 concerning the issuance of a license under this section.

(Formerly: Acts 1969, c.416, s.9.) As amended by Acts 1982, P.L.154, SEC.113; P.L.249-1985, SEC.5; P.L.149-1987, SEC.98; P.L.152-1988, SEC.28; P.L.96-1990, SEC.18; P.L.33-1993, SEC.69; P.L.140-1993, SEC.13; P.L.1-1994, SEC.129; P.L.212-2005, SEC.62; P.L.2-2007, SEC.346.

IC 25-33-1-10

Renewal of license

Sec. 10. (a) Subject to IC 25-1-2-6(e), a license issued under this article expires on the date established by the licensing agency under IC 25-1-5-4. A renewal fee established by the board under section 3 of this chapter must be paid by an applicant for renewal before the license expires.

(b) Subject to IC 25-1-2-6(e), if the holder of an expired license fails to renew the license on or before the renewal date, the license expires and becomes invalid without any further action by the board.

(c) A license that expires and becomes invalid under this section may be renewed by the board not more than three (3) years after the date of the expiration of the license if the applicant meets the requirements under IC 25-1-8-6(c).

(d) If a license has been invalidated under this section for more than three (3) years, the holder of the license may have the license reinstated by meeting the requirements for reinstatement under IC 25-1-8-6(d).

(e) The board may adopt rules establishing requirements for reinstatement of a license invalidated for more than three (3) years under this section.

(f) An initial license issued under this article is valid for the remainder of the renewal period in effect on the date of issuance.

(g) The board may require a person who applies for a license under subsection (d) to appear before the board and explain the reason the person failed to renew the person's license.

(Formerly: Acts 1969, c.416, s.10.) As amended by Acts 1982, P.L.154, SEC.114; P.L.249-1985, SEC.6; P.L.149-1987, SEC.99; P.L.48-1991, SEC.62; P.L.140-1993, SEC.14; P.L.269-2001, SEC.28; P.L.105-2008, SEC.61; P.L.177-2015, SEC.71.

IC 25-33-1-11

Repealed

(Repealed by P.L.249-1985, SEC.18.)

IC 25-33-1-12

Prohibition against practice beyond psychologist's professional competence

Sec. 12. A psychologist shall not offer to render, or render, services which are beyond the scope of that psychologist's competence, as determined by training and experience. The psychologist who engages in the practice of psychology shall assist each client in obtaining professional help for all relevant aspects of the client's problem that fall outside the boundaries of the psychologist's own competence.

(Formerly: Acts 1969, c.416, s.12.) As amended by Acts 1982, P.L.154, SEC.116; P.L.249-1985, SEC.7.

IC 25-33-1-13

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-33-1-13.1

Repealed

(Repealed by P.L.152-1988, SEC.30.)

IC 25-33-1-14

Unlicensed practice prohibited

Sec. 14. (a) This section does not apply to an individual who is:

- (1) a member of a teaching faculty, at a public or private postsecondary educational institution for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;
- (2) a commissioned psychology officer in the regular United States armed services;
- (3) licensed by the department of education (established by IC 20-19-3-1) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or
- (4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) It is unlawful for an individual to:

- (1) claim that the individual is a psychologist; or
- (2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

(c) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

(d) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

(Formerly: Acts 1969, c.416, s.14.) As amended by Acts 1981, P.L.222, SEC.248; P.L.249-1985, SEC.9; P.L.149-1987, SEC.101; P.L.140-1993, SEC.15; P.L.153-1996, SEC.3; P.L.184-1997, SEC.4; P.L.1-2005, SEC.197; P.L.246-2005, SEC.212; P.L.2-2007, SEC.347; P.L.197-2007, SEC.89.

IC 25-33-1-15

Violations

Sec. 15. A person who violates section 14 of this chapter commits a Class A misdemeanor.

(Formerly: Acts 1969, c.416, s.15.) As amended by Acts 1978, P.L.2, SEC.2556; P.L.249-1985, SEC.10.

IC 25-33-1-16

Injunctions; contempt; criminal prosecution

Sec. 16. The attorney general, the prosecuting attorney, the board, or any citizen of any county where any person shall be engaged in the

violation of this article, may, in accordance with the laws of the state of Indiana governing injunctions, maintain an action in the name of the state of Indiana to enjoin such person from continuing in violation of this article. Any person having been so enjoined who shall violate such injunctions shall be punished for contempt of court. An injunction issued under this section shall not relieve any such person from criminal prosecution thereof as provided for in this article, but such remedy by injunction shall be in addition to any remedy provided for the criminal prosecution of such offense.

(Formerly: Acts 1969, c.416, s.16.) As amended by Acts 1982, P.L.154, SEC.117; P.L.249-1985, SEC.11.

IC 25-33-1-17

Privileged communications; exceptions

Sec. 17. A psychologist licensed under this article may not disclose any information acquired from persons with whom the psychologist has dealt in a professional capacity, except under the following circumstances:

- (1) Trials for homicide when the disclosure relates directly to the fact or immediate circumstances of said homicide.
- (2) Proceedings the purpose of which is to determine mental competency, or in which a defense of mental incompetency is raised.
- (3) Actions, civil or criminal, against a psychologist for malpractice.
- (4) Upon an issue as to the validity of a document such as a will of a client.
- (5) If the psychologist has the expressed consent of the client or subject, or in the case of a client's death or disability, the express consent of the client's legal representative.
- (6) Circumstances under which privileged communication is abrogated under the laws of Indiana.

(Formerly: Acts 1969, c.416, s.17.) As amended by Acts 1982, P.L.154, SEC.118; P.L.249-1985, SEC.12; P.L.140-1993, SEC.16.

IC 25-33-1-18

Issuance of limited license to holders of certificate under repealed section; restrictions; discipline

Sec. 18. (a) The state psychology board shall issue a limited license to practice psychology to any individual who held a basic certificate under IC 25-33-1-5 before its repeal on June 30, 1985.

(b) The holder of a basic certificate issued under IC 25-33-1-5, before its repeal on June 30, 1985, may not render or offer to render psychological services to any person for a fee under circumstances that the limited license holder assumes full responsibility and liability for the conduct and conditions of the offered services.

(c) An individual who holds a limited license under this section may be disciplined by the board under IC 25-1-9.

*As added by P.L.149-1987, SEC.102. Amended by P.L.152-1988,
SEC.29; P.L.140-1993, SEC.17.*