



SENATE BILL 219

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 33; Title 53; Title 56; Title 63; Title 68 and
Title 71, relative to health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-5-114, is amended by deleting the
section.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB0219

Crowe
Signature of Sponsor

AMEND Senate Bill No. 219

House Bill No. 271*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-11-104(h), is amended by deleting the language "and certified psychological assistants" and substituting ", certified psychological assistants, and certified psychological testing technicians".

SECTION 2. Tennessee Code Annotated, Section 63-11-201(a), is amended by deleting the language "Four (4) levels" and substituting "Five (5) levels", and by adding the following as a new subdivision:

(5) Certified psychological testing technician;

SECTION 3. Tennessee Code Annotated, Section 63-11-201(c), is amended by deleting the language "certified psychological assistant must" and substituting "certified psychological assistant or certified psychological testing technician must".

SECTION 4. Tennessee Code Annotated, Section 63-11-204(b), is amended by deleting the language "psychologist, or psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "psychologist, psychological examiner, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 5. Tennessee Code Annotated, Section 63-11-204(c), is amended by deleting the language "psychologist or, psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "psychologist, psychological examiner, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 6. Tennessee Code Annotated, Section 63-11-205(a)(1), is amended by deleting the language "psychologists or, psychological examiners or, senior psychological examiners or certified psychological assistants" and substituting "psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians".

SECTION 7. Tennessee Code Annotated, Section 63-11-205(d), is amended by deleting the language "psychological examiner or, senior psychological examiner or, certified psychological assistant or psychologist" and substituting "psychological examiner, senior psychological examiner, certified psychological assistant, certified psychological testing technician, or psychologist".

SECTION 8. Tennessee Code Annotated, Section 63-11-206(a), is amended by deleting the language "license to practice as psychological examiner or, psychologist or senior psychological examiner or a certificate to practice as a psychological assistant" and substituting "license to practice as a psychological examiner, psychologist, or senior psychological examiner, or a valid certificate to practice as a psychological assistant or psychological testing technician,".

SECTION 9. Tennessee Code Annotated, Section 63-11-206(b), is amended by deleting the subsection and substituting:

(b) This chapter does not prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics as long as they do not represent themselves to be psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians. Duly recognized members of the clergy are not restricted from functioning in their ministerial capacity as long as they do not represent themselves to be psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians.

SECTION 10. Tennessee Code Annotated, Section 63-11-206(c)(1), is amended by deleting the language "psychological examiner or, psychologist or, senior psychological examiner or certified psychological assistant" and substituting "psychological examiner, psychologist, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 11. Tennessee Code Annotated, Section 63-11-206(c), is amended by adding the following as a new subdivision:

(3) A person practices as a "certified psychological testing technician" within the meaning of this chapter when the person claims to be a certified psychological testing technician or renders to individuals or the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology and only under the direct employment and supervision of either the psychologist or senior psychological examiner employing the certified psychological testing technician or the employing community mental health center or state governmental agency. Any and all work performed by a certified psychological testing technician is supervised by a psychologist or senior psychological examiner as determined by the board.

SECTION 12. Tennessee Code Annotated, Section 63-11-206(g), is amended by deleting the language "psychological examiner or as a psychologist, or as a senior psychological examiner or certified psychological assistant" and substituting "psychological examiner, psychologist, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 13. Tennessee Code Annotated, Section 63-11-207, is amended by adding the following as a new subsection:

(c)

(1) A person seeking to practice as a certified psychological testing technician in this state shall, before it is lawful for the person to practice as a

certified psychological testing technician, make application to the board through the chair, upon such form and in such manner as is adopted and prescribed by the board, including, but not limited to, the proper registration with the board of the supervisor of record for the certified psychological testing technician. Unless the person obtains a proper certificate as issued by the board, it is unlawful for the person to practice. The person violates this chapter if the person practices as a certified psychological testing technician without first having obtained a proper certificate.

(2) As used in subdivision (c)(1), "practice as a certified psychological testing technician" means the individual is duly authorized by the board to administer and score standardized psychological and neuropsychological tests and to observe and describe a client's test behavior and test responses. A certified psychological testing technician shall not select psychological or neuropsychological tests or versions of tests to be given, interpret test results, write test results, or give test feedback to clients.

(3) The services provided by a certified psychological testing technician must be provided under the direct supervision of a psychologist who is registered with the board as the supervisor of record to provide such supervision for the certified psychological testing technician. The certified psychological testing technician must be employed by, or contracted with, the same work setting as the supervising psychologist who is registered with the board.

(4) A candidate for certification shall furnish the board with satisfactory evidence that the candidate:

(A) Is of good moral character;

(B) Is a citizen of the United States;

(C) Is not considered by the board to be engaged in unethical practice;

(D) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, in either psychology or education with a specialization in educational psychology, counseling psychology, or school psychology. The candidate's educational training must consist of a minimum of seventy-two (72) hours of total education and training relating to psychological or neuropsychological test administration and scoring that includes the following:

(i) At least twenty (20) hours of direct observation, including at least ten (10) hours of direct observation of a licensed psychologist administering and scoring tests, and at least ten (10) hours of direct observation of either a licensed psychologist or certified psychological testing technician duly registered by the board administering and scoring tests;

(ii) At least forty (40) hours of administering and scoring tests in the presence of a licensed psychologist; and

(iii) At least twelve (12) hours of additional education on topics related to best practices for the functions identified in subdivision (c)(2). Of those twelve (12) hours, at least three (3) hours must be specifically dedicated to law and ethics, and at least three (3) hours must be dedicated to multicultural competency. Additional topics must relate to growth, knowledge, and skill-based training that would enhance the candidate's professional skill in providing care for persons with medical, psychiatric, neurocognitive, and developmental conditions commonly assessed by psychologists and neuropsychologists.

(5) The education and training specified in subdivisions (c)(4)(D)(i)-(iii) may be obtained through any combination of the following:

(A) Participating in individual or group instruction by a licensed psychologist;

(B) Engaging in independent learning directed by a licensed psychologist;

(C) Completing graduate-level coursework at a regionally accredited university, college, or professional school; or

(D) Taking continuing education courses from organizations offering continuing education sponsorships.

(6) This chapter does not prevent a person engaged in gaining the experience, training, or education required by this subdivision (c)(4)(D) from administering and scoring psychological and neuropsychological tests.

SECTION 14. Tennessee Code Annotated, Section 63-11-213, is amended by deleting the language "licensed psychologist or psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "licensed psychologist, licensed psychological examiner, licensed senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 15. Tennessee Code Annotated, Section 63-11-218(a), is amended by deleting the language "licensed psychologist or psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "licensed psychologist, licensed psychological examiner, licensed senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 16. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB0271

Terry
Signature of Sponsor

AMEND Senate Bill No. 219

House Bill No. 271*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-11-104(h), is amended by deleting the language "and certified psychological assistants" and substituting ", certified psychological assistants, and certified psychological testing technicians".

SECTION 2. Tennessee Code Annotated, Section 63-11-201(a), is amended by deleting the language "Four (4) levels" and substituting "Five (5) levels", and by adding the following as a new subdivision:

(5) Certified psychological testing technician;

SECTION 3. Tennessee Code Annotated, Section 63-11-201(c), is amended by deleting the language "certified psychological assistant must" and substituting "certified psychological assistant or certified psychological testing technician must".

SECTION 4. Tennessee Code Annotated, Section 63-11-204(b), is amended by deleting the language "psychologist, or psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "psychologist, psychological examiner, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 5. Tennessee Code Annotated, Section 63-11-204(c), is amended by deleting the language "psychologist or, psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "psychologist, psychological examiner, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 6. Tennessee Code Annotated, Section 63-11-205(a)(1), is amended by deleting the language "psychologists or, psychological examiners or, senior psychological examiners or certified psychological assistants" and substituting "psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians".

SECTION 7. Tennessee Code Annotated, Section 63-11-205(d), is amended by deleting the language "psychological examiner or, senior psychological examiner or, certified psychological assistant or psychologist" and substituting "psychological examiner, senior psychological examiner, certified psychological assistant, certified psychological testing technician, or psychologist".

SECTION 8. Tennessee Code Annotated, Section 63-11-206(a), is amended by deleting the language "license to practice as psychological examiner or, psychologist or senior psychological examiner or a certificate to practice as a psychological assistant" and substituting "license to practice as a psychological examiner, psychologist, or senior psychological examiner, or a valid certificate to practice as a psychological assistant or psychological testing technician,".

SECTION 9. Tennessee Code Annotated, Section 63-11-206(b), is amended by deleting the subsection and substituting:

(b) This chapter does not prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics as long as they do not represent themselves to be psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians. Duly recognized members of the clergy are not restricted from functioning in their ministerial capacity as long as they do not represent themselves to be psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians.

SECTION 10. Tennessee Code Annotated, Section 63-11-206(c)(1), is amended by deleting the language "psychological examiner or, psychologist or, senior psychological examiner or certified psychological assistant" and substituting "psychological examiner, psychologist, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 11. Tennessee Code Annotated, Section 63-11-206(c), is amended by adding the following as a new subdivision:

(3) A person practices as a "certified psychological testing technician" within the meaning of this chapter when the person claims to be a certified psychological testing technician or renders to individuals or the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology and only under the supervision of either the psychologist or senior psychological examiner employing the certified psychological testing technician or the employing community mental health center or state governmental agency. Any and all work performed by a certified psychological testing technician is supervised by a psychologist or senior psychological examiner as determined by the board.

SECTION 12. Tennessee Code Annotated, Section 63-11-206(g), is amended by deleting the language "psychological examiner or as a psychologist, or as a senior psychological examiner or certified psychological assistant" and substituting "psychological examiner, psychologist, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 13. Tennessee Code Annotated, Section 63-11-207, is amended by adding the following as a new subsection:

(c)

(1) A person seeking to practice as a certified psychological testing technician in this state shall, before it is lawful for the person to practice as a certified psychological testing technician, make application to the board, upon

such form and in such manner as is adopted and prescribed by the board, including, but not limited to, the proper registration with the board of the supervisor or supervisors of record for the certified psychological testing technician. Unless the person obtains a proper certificate as issued by the board, it is unlawful for the person to practice. The person violates this chapter if the person practices as a certified psychological testing technician without first having obtained a proper certificate.

(2) As used in subdivision (c)(1), "practice as a certified psychological testing technician" means the individual is duly authorized by the board to administer and score standardized psychological and neuropsychological tests and to observe and describe a client's test behavior and test responses. A certified psychological testing technician shall not select psychological or neuropsychological tests or versions of tests to be given, interpret test results, write test results, or give test feedback to clients.

(3) The services provided by a certified psychological testing technician must be provided under the supervision of a psychologist or senior psychological examiner who is registered with the board as a supervisor of record to provide such supervision for the certified psychological testing technician. The certified psychological testing technician must be employed by, or contracted with, the same work setting as the supervising psychologist or senior psychological examiner who is registered with the board.

(4) A candidate for certification shall furnish the board with satisfactory evidence that the candidate:

(A) Is of good moral character;

(B) Is a citizen of the United States;

(C) Is not considered by the board to be engaged in unethical practice; and

(D) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, in either psychology or education with a specialization in educational psychology, counseling psychology, or school psychology. The candidate's educational training must consist of a minimum of seventy-two (72) hours of total education and training relating to psychological or neuropsychological test administration and scoring that includes the following:

(i) At least twenty (20) hours of direct observation, including at least ten (10) hours of direct observation of a licensed psychologist or senior psychological examiner administering and scoring tests, and at least ten (10) hours of direct observation of either a licensed psychologist, senior psychological examiner, or certified psychological testing technician duly registered by the board administering and scoring tests;

(ii) At least forty (40) hours of administering and scoring tests in the presence of a licensed psychologist or senior psychological examiner; and

(iii) At least twelve (12) hours of additional education on topics related to best practices for the functions identified in subdivision (c)(2). Of those twelve (12) hours, at least three (3) hours must be specifically dedicated to law and ethics, and at least three (3) hours must be dedicated to multicultural competency. Additional topics must relate to growth, knowledge, and skill-based training that would enhance the candidate's professional skill in providing care for persons with medical,

psychiatric, neurocognitive, and developmental conditions

commonly assessed by psychologists and neuropsychologists.

(5) The education and training specified in subdivisions (c)(4)(D)(i)-(iii)

may be obtained through any combination of the following:

(A) Participating in individual or group instruction by a licensed psychologist or senior psychological examiner;

(B) Engaging in independent learning directed by a licensed psychologist or senior psychological examiner;

(C) Completing graduate-level coursework at a regionally accredited university, college, or professional school; or

(D) Taking continuing education courses from organizations offering continuing education sponsorships.

(6) This chapter does not prevent a person engaged in gaining the experience, training, or education required by this subdivision (c)(4)(D) from administering and scoring psychological and neuropsychological tests.

SECTION 14. Tennessee Code Annotated, Section 63-11-213, is amended by deleting the language "licensed psychologist or psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "licensed psychologist, licensed psychological examiner, licensed senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 15. Tennessee Code Annotated, Section 63-11-218(a), is amended by deleting the language "licensed psychologist or psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "licensed psychologist, licensed psychological examiner, licensed senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 16. The board of examiners in psychology is authorized to promulgate rules to effectuate this act. The rules may be promulgated as emergency rules pursuant to

Tennessee Code Annotated, § 4-5-208(a)(5). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 17. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. 2 to HB0271

Terry
Signature of Sponsor

AMEND Senate Bill No. 219

House Bill No. 271*

by deleting subdivision (c)(4)(B) in SECTION 13 and substituting:

(B) Is a citizen or legal resident of the United States;