

ACT NO. 6042

BILL NO. 20-0433

TWENTIETH LEGISLATURE OF THE VIRGIN ISLANDS

OF THE UNITED STATES

Regular Session

1994

To provide for the licensure of persons to practice psychology and for other purposes related thereto

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WHEREAS, the Legislature declares that the licensure of the practice of psychology in the United States Virgin Islands is in the public interest; and

WHEREAS, the citizens of the United States Virgin Islands, who utilize the services of these individuals may suffer severe emotional and physical harm if they are not provided assistance by qualified professionals; and

WHEREAS, the Virgin Islands consumer should be assured that psychological services will be provided by qualified professionals and that they will be protected from the consequences of unprofessional conduct by persons licensed to practice psychology; and

WHEREAS, in order to protect the health, safety and welfare of the people of the Virgin Islands, the Legislature must establish minimum standards for persons entering and remaining in the practice of psychology in the Virgin Islands; Now, Therefore,

BE IT ENACTED by the Legislature of the Virgin Islands:

SECTION 1. Title 1, Section 253, Subsection (b), paragraph (2), Virgin Islands Code, is amended by adding after "the Government Hospital Facilities Board" where it appears "the Board of Psychology".

SECTION 2. Title 27, Virgin Islands Code, is amended by adding a new Chapter 2 to read as follows:

"Chapter 2. The Practice of Psychology"

Section 169. Definitions

As used in this Chapter, except where the context clearly indicates otherwise:

(a) "Board" means the U.S. Virgin Islands Board of Psychology.

(b) "Approved continuing education" includes research and training programs, college and university courses, in-service training programs, and seminars and conferences which are approved by the Board.

(c) "Approved supervisor" means a person with a full, active license as a psychologist, or equivalent, as determined by the rules and regulations of the Board. The psychological services within the context of a professional relationship. In the case of individuals with legal guardians (including minors and legally incompetent adults), the legal guardian shall also be considered a client for decision making purposes.

(e) "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning, counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy, diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability, and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups and the public. The practice of psychology shall be construed, within the meaning of this definition, irrespective of whether payment is received for services rendered.

(f) "Licensed psychologist" means a person who has been issued and holds a license pursuant to the provisions of this chapter. The licensed psychologist may independently render those services defined with the practice of psychology.

(g) "Psychological Associate" means an individual, licensed within the meaning of this chapter, who offers to render or renders professional psychological services such as interviewing or administering and interpreting tests of mental abilities, interest, aptitudes, and personality characteristics for such purposes as psychological evaluation, or for educational, vocational or personnel selection, guidance of placement. A psychological

associate may engage in overall personality appraisal or classification, personality counseling or personality adjustment techniques. A psychological associate may only practice under supervision as defined in the rules and regulations adopted by the board.

(h) "Associate Psychologist" means an individual who holds a license to engage in the practice of psychology in accordance with the provisions of Section 169(f)(b) of this chapter.

(i) "Psychology Professional" means an individual who is either a licensed psychologist, psychological associate or associate psychologist as provided under this chapter.

(j) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which interfere with effective emotional, social, or intellectual functioning.

(k) "Referral" means evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client or patient of such judgment and communicating as requested or deemed appropriate to such referral sources.

(l) "Research" means a systematic effort to collect, analyze, and interpret quantitative or qualitative data that describes how social characteristics and behavior, emotion, cognitions, and interpersonal transactions among individuals and organizations interact.

(m) "Use of a title or description of" means to hold oneself out to the public as having a particular professional status, using signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of identification.

Section 169a. Establishment of the Board

(a) There is established the Board of Psychology Examiners which shall be composed of five members appointed by the Governor with the advice and consent of the Legislature.

(b) The board is charged with the responsibility of examining, licensing, and regulating the profession of psychology as provided under this chapter.

(c) Of the first board appointed under the provisions of this chapter, four shall be residents who are eligible for licensure under this chapter and one of the members shall be a resident of the Virgin Islands.

(d) Licensed professional members may be appointed by the Governor from a list submitted to him by the Association of Virgin Islands Psychologists which is a nationally recognized association representing psychologists.

(e) On or before two years after the enactment of this chapter, all members of the Board, with the exception of the resident member shall be licensed under this chapter. The resident member of the board shall be a member of the general public who:

(1) is accessible to inquiries, comments and suggestions from the general public;

(2) may not be or ever have been a licensed psychology professional or in training to be a licensed psychology professional;

(3) may not have a household member or member of his immediate family who is a psychology professional;

(4) may not participate or ever have participated in a commercial or professional field related to mental health or psychology;

(5) may not have a household member or immediate family member who participated in a commercial or professional field related to psychology; and

(6) may not have had within two years before appointment a substantial financial interest in a person regulated by the board.

(f) Of the first Board members appointed, three shall be appointed for a term of two years and two for a term of three years. Their successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the remaining term of the Board member to be succeeded. Upon the expiration of the term of office, a board member shall continue to serve until a successor has been appointed and qualified.

(g) The Governor may remove a member of the board for neglect of duty, malfeasance, incompetence, misconduct, or conviction of a felony, provided, the procedures for such actions have been fully executed. Board members shall serve without compensation but may be reimbursed for the actual inter-island expenses incurred in the performance of official Board business as provided under Title 3, Section 65 of this code.

Section 169b. Powers and Duties of the Board

(a) The Governor shall designate one board member to

serve as the first chairperson. The second, and successive chairpersons shall be elected, from among its members, by the board along with a Vice-chairperson and a Secretary/Treasurer. The manner of election of officers, their duties, and their terms of office shall be as the board determines.

(b) The board shall:

(1) recommend to the Commissioner of Health the issuance, denial, suspension, revocation or reinstatement of licenses under this subchapter;

(2) meet at least twice per year, but additional meetings may be held upon the call of the chairperson or any three members of the Board. The attendance of three members at an official board meeting shall be considered a quorum;

(3) administer and enforce the provisions of this chapter;

(4) examine and pass on the qualifications of all applicants for licenses under this chapter, and shall issue a license to each successful applicant, attesting to his professional qualifications to be a licensed psychology professional;

(5) adopt a seal which shall be affixed to all licenses;

(6) schedule and conduct examinations not less than once per year to determine qualifications of applicants after completion of appropriate educational requirements;

(7) annually publish a registry of names and business addresses of persons who are licensed under this chapter;

(8) maintain a registry of approved supervisors as defined by the board;

(9) adopt a code of ethics that the board considers to be appropriate and applicable to the practice of psychology;

(10) establish regulations for continuing education requirements for licenses;

(11) review University of the Virgin Islands psychology curricula according to established and published standards, which prepare students for licensure pursuant to this chapter, and approve such schools of psychology which meet the requirements of this chapter and the board through its rules and regulations;

(12) establish fees for applications for examination, issuance and renewal of licenses and other services provided by the board. Fees shall be set so as to defray the cost of administering the provisions of this chapter, including applications, examinations, enforcement and the cost of maintaining the board;

(13) employ such other persons as may be necessary to carry out the work of the board and engage in fund-raising activities when necessary to support the ongoing functioning of the board;

(14) establish an annual budget for the board's operation;

(15) have the Attorney General represent the board in all legal matters;

(16) maintain membership and active participation in the Association of State and Provincial Psychology Boards;

(17) adopt rules and regulations as deemed necessary and proper to carry out the provisions of this chapter;

(18) establish a Board of Psychology Fund bank account, in which all monies received by the Board in the form of fees and fines shall be deposited. Monies for the operation of its duties shall be disbursed by the Chairman or the Treasurer of the Board of Psychology. Accurate records of deposits and disbursements shall be kept by the Secretary/Treasurer of the board and shall be submitted annually for review and audit by the Office of Management and Budget;

(19) make further rules and regulations to enable the board to operate and fulfill its statutory obligations which shall be consistent with this code;

(20) conduct hearings upon complaints seeking discipline of a licensee or revocation of a license and investigations related to the compliance of this chapter. The board may also initiate hearings as provided in Section 169i of this chapter; and

(21) cause criminal prosecution of all persons violating this chapter.

Section 169c. Application for license; qualifications

(a) Applications for licensure under this chapter shall be accompanied by satisfactory proof that the applicant:

(1) is at least 21 years of age, is of good moral character, has not been convicted of a felony or a crime of moral turpitude and not addicted to alcohol or drugs;

(2) submits an application on the appropriate form as prescribed by the board;

(3) pays a fee as determined by the board;

(4) produces certified transcripts verifying satisfactory completion of education course work and/or academic degrees as required in Sections 169d of this chapter;

(5) has declared to the board and agrees to continue to declare areas of professional competence through a Statement of Professional Intent, describing the intended use of the license, the client populations with whom the applicant will work, the professional procedures the applicant plans to utilize, including the applicant's theoretical orientation and preferred intervention strategies; and

(6) has validated the competencies declared in the Statement of Professional Intent as well as demonstrated knowledge of psychology by passing a written examination given by the board.

(b) In any written examination, each applicant shall be kept anonymous by being given a number to maintain the confidentiality of his name until the examinations have been graded.

(c) An applicant for licensure must pass the current form of the Examination for Professional Practice in Psychology (EPPP) provided by the Association of State and Provincial Psychology Boards and a local examination based on clinical experience, ethics, and theoretical knowledge related to psychology as practiced in the United States Virgin Islands.

(d) The acceptable level of performance for both examinations shall be determined by the board and established in its rules and regulations and separate levels of performance for psychologists and psychological associates shall be established.

(e) The board shall establish rules and regulations regarding re-examination of applicants who have previously failed the examinations.

Section 169d. Psychologists

(a) An applicant may be issued a license as a psychologist if that person:

(1) has met the requirements as set forth in Section 169c of this chapter;

(2) has received a doctoral degree based on a planned and directed program of studies in psychology from an educational institution accredited by one of the regional accrediting bodies recognized and approved by the Council on Post-secondary Accreditation and the United States Department of Education and other educational requirements established by the board through its rules and regulations;

(3) has demonstrated to the satisfaction of the board the successful completion of no less than two years of experience in a clinical psychology setting including a minimum of 3,000 hours in the practice of psychology defined in Section 169 of this chapter. Of this total experience, 1500 hours should involve direct work with clients and should be appropriately supervised by an approved supervisor. A total of 1500 hours or one year of supervised professional practice may be pre-doctoral;

(4) passes the examination requirement established by the board;

(5) in the case of an applicant from an institution of higher education located outside the United States, which at the time the applicant was enrolled, and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Council on Post-secondary Accreditation or can demonstrate equivalent course work; or an institution of higher education located outside the United States, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Council on Post-secondary Accreditation. The education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program of higher education that trains students to practice as psychologists or psychotherapists. The burden of establishing that the requirements of the provision have been met shall be upon the applicant, and the board may require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in the United States.

Section 169e. Psychological Associate

A person may be issued a license as a psychological associate if that person:

(1) has met the requirements established in Section 169c of this chapter;

(2) has received a Masters Degree in Psychology from an accredited institution which has been accredited by a regional accredited body recognized and approved by the Council on Post-secondary Accreditation and the United States Department of Education and any other educational requirements established by the Board through its rules and regulations;

(3) has, subsequent to receiving such Masters Degree, at least three years or 4,500 hours of supervised post-masters practice as approved by the rules and regulations of the board;

(4) passes the examination requirement as established by the board; and

(5) in the case of an applicant from an institution of higher education located outside of the United States, has met the same standards as outlined in Section 169d(5). The psychological associate shall only practice under supervision by an approved supervisor, and in accordance with the rules and regulations of the board.

Section 169f. Issuance of licenses without an exam ("grandparenting")

(a) During the first 12 months following the completion of the appointment of all the members, the Board shall issue a psychologist license without examination to (i) one has been a resident of the Virgin Islands for more than two (2) years upon the date of enactment, or (ii) an applicant licensed as a psychologist in another jurisdiction where the requirements for licensure are equivalent to or exceed the requirements of this territory, or (iii) a person who holds the minimum degree required as defined in Section 169(d), and has a minimum of five years of active experience in the practice of psychology, and, meets the requirements of Section 169c 1-5, of this chapter.

(b) During the first 12 months following the completion of the seating all of the members the Board shall issue an Associate Psychologist license to practice independently and without examination to (i) one has been a resident of the Virgin Islands for more than two (2) years upon the date of enactment, or (ii) any applicant licensed as a psychological associate in another jurisdiction where the requirements for licensure are equivalent to or exceed the requirements of this territory; (iii) a person who holds the minimum degree as defined in Section 169e (2) of this chapter and has a minimum of eight years of experience in the practice of psychology and meets the requirements of Section 169c 1-5, of this chapter.

Section 169g. Fees; renewal of license

(a) A minimum fee of \$250.00 shall be paid by any person licensed under this chapter to the board for the original license. This fee shall be in addition to any examination fee set by the board. Licenses shall be valid for two years and must be renewed biannually. The fee for a license renewal shall be at least \$250.00. Any application for renewal of a license after it has expired shall require payment of an additional late fee of \$50.00.

(b) All persons who are licensed under this chapter shall be required to submit at the time of renewal: (1) a license renewal fee, (2) evidence satisfactory to the board of the completion during the previous 24 months of relevant professional continuing education experiences, (3) and an updated Professional Disclosure Statement. The continuing education requirements of the board shall be mailed to all licensed professionals one year prior to the renewal date.

Section 169h. Inactive status and fees; reactivation, revocation, suspension, and denial of licenses;

(a) Voluntary inactive status results when a licensee has applied to be placed on inactive status and has paid a \$50.00 fee to the board for the license:

(1) may be renewed biannually for \$50.00; and

(2) may be reactivated by submitting an application to the board, completing the continuing education requirements, complying with any background investigation required, complying with other requirements prescribed by the board, and paying a \$50.00 reactivation fee plus the current biennial renewal fee at the time of reactivation;

(b) Psychologists, psychological associates, associate psychologists, and anyone under the board's supervision shall conduct their professional activities in conformity with ethical and professional standards promulgated by the board under its rules and regulations.

(c) The board shall have the power and duty to recommend to the Commissioner of Health to suspend, place on probation, or require remediation for any psychologist, psychological associate or associate psychologist for a specified time, to be determined at the discretion of the board, or to revoke any license of a psychology professional or to take any other action specified in the rules and regulations whenever the board shall find by a preponderance of the evidence that the psychologist, psychological associate, or associate psychologist has engaged in any of the following acts or offenses:

(1) violation of ethical standards as established under the rules and regulations of the board to such an extent that it would render the person unfit to practice as a psychologist, psychological associate or associate psychologist;

(2) use drugs or alcohol or both, to an extent that impairs the individual's ability to engage in the practice of professional psychology;

(3) committing any act upon a client which is sexual battery or which would constitute sexual misconduct as defined and determined by the board;

(4) use of fraud, deception, misrepresentation or bribery in securing any license issued under this chapter or in obtaining permission to take an examination given or required pursuant to the provisions of this chapter;

(5) obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception or misrepresentation;

(6) making misleading, deceptive, untrue, or fraudulent representations in the practice of persons licensed under this chapter;

(7) violation of, assisting or enabling any individual to violate any provision of this chapter or any rule or regulation adopted under this chapter;

(8) impersonation of any person holding a license or allowing any individual to use a license or diploma from any school to obtain licensure under this chapter;

(9) revocation or suspension of a license or other authorization to practice psychology granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized by this chapter;

(10) the individual is mentally impaired to an extent that impairs the individual's ability to engage in the practice of psychology;

(11) assisting or enabling any person to hold oneself out to the public as a licensed psychologist, psychological associate, or associate psychologist who is not licensed under the provisions of this chapter;

(12) the issuance of the license is based upon a material mistake of fact;

(13) use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or to the person to whom the advertisement is primarily directed;

(14) paying a kickback, rebate, bonus or other remuneration for receiving a client, or receiving a kickback, rebate, bonus, or other remuneration for referring a client to another mental health or psychology professional or to a provider of health care services;

(15) Referring a client to oneself for services on a fee paid basis when those services are already being paid for by some other public or private entity, or entering into a reciprocal referral agreement;

(16) failing to make available to a client, upon written request, copies of reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the client;

(17) failing to respond within 30 days to a written communication from the board concerning any investigation by the board, or failing to make available any relevant records with respect to any investigation about the licensee's conduct or background;

(18) performing any treatment or prescribing any therapy which, by the prevailing standards of psychology, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;

(19) failing to meet the minimum standards of performance in professional activities when measured against generally prevailing psychological techniques including the undertaking of activities for which the licensee is not qualified by training or experience;

(20) conviction of a felony, provided that a copy of the record of conviction, certified by the clerk of the court entering the conviction shall be conclusive evidence;

(21) conviction of any crime of moral turpitude or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of patients;

(22) conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payer provided that a copy of the record of conviction, certified by the clerk of the court entering the conviction shall be conclusive evidence;

(23) exercising undue influence in such a manner as to exploit a client, patient, student, or intern for financial or other personal advantage to the practitioner or a third party;

(24) refusal to appear before the board after having been ordered to do so in writing by the chairman of the board.

(d) The issuance of a license in the first instance may be revoked if the circumstances in subsection (c) of this section apply.

(e) No license may be denied, suspended, or revoked under subsection (c) of this section without prior notice and opportunity for a hearing, except that the board may, without prior notice or hearing, temporarily suspend for up to one month the license of any person convicted of a crime as set forth in subsection (c) of this section. The burden of proof shall be on the board in any proceeding to suspend or revoke a license. No license may be denied, suspended, or revoked under this section except by a majority vote of the board.

(f) Any person may file a complaint with the board seeking denial, suspension, or revocation of a license issued or to be issued by the board. Such complaint shall be in a form prescribed by the board and shall be verified under oath by the complainant. If the board determines that a complaint alleges facts which, if true, would require denial, revocation, or suspension of a license, it shall promptly institute a hearing. Whenever the Board is of the opinion that a complaint does not allege facts which warrant a hearing, the complaint may be dismissed.

(g) A license may expire as a result of failure to comply with Section 169g (a) of this chapter.

Section 169i. Procedures

The board shall establish rules and regulations pertaining to hearings, investigations, disciplinary under this chapter.

(1) The board shall conduct its proceedings in accordance with the provisions of this chapter. Any person may represent themselves before the board or be represented by an attorney. Every vote and official act of the board shall be entered into the official record.

(2) The board shall have the power to administer oaths, hear testimony and receive evidence of matters within its jurisdiction, and require by subpoena the attendance and testimony of witnesses, and the production of all books, papers, and documents relating to any matter under investigation. A subpoena shall be issued by the

board upon application by any party to a proceeding before the board and a showing of general relevance and reasonable scope. When a subpoenaed witness fails to appear, the board may apply to the Territorial Court for an order requiring the person subpoenaed to appear before the board to testify and produce books, papers, or documents.

(3) One or more board members or a hearing examiner appointed by the board shall preside at the hearings.

(4) As a condition of probation the board may require the probationer to submit to care, counseling, or treatment by a professional designated by the board. The expense of such action shall be borne by the probationer.

(5) The board may, at any time, modify the conditions of the probation, and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both.

(6) The board shall have the power to require restitution when necessary.

(7) The board shall have the power to assess the costs of the disciplinary proceedings against the psychologist, associate psychologist, or psychological associate. Costs may be assessed against a complainant, if the Board finds that the complaint is frivolous as defined by Title 5, Section 541, Subsection (c), Virgin Islands Code.

(8) Any psychologist, psychological associate, associate psychologist or applicant for licensure under this chapter whose license to practice is denied, revoked, suspended or otherwise limited pursuant to this section or Section 169b of this chapter, shall have the right to appeal the action of the board within thirty (30) days of the written decision to the Territorial Court and the notice of appeal shall be simultaneously filed with the board.

Section 169j. Privileged communication

(a) In judicial proceedings, whether civil, criminal, or juvenile, in legislative and administrative proceedings, and in proceedings preliminary and ancillary thereto, a patient or client, or his guardian or personal representative may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist, psychological associate or associate psychologist, licensed under this chapter, or a person otherwise authorized to practice within the mental health field under the laws of this jurisdiction, or to persons reasonably believed by the patient or client to be

so licensed, and their agents, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder. In the absence of evidence to the contrary, the psychologist is presumed authorized to claim the privilege on the patient's or client's behalf.

(b) The privilege authorized under subsection (a) of this Section shall not be claimed by the patient or client, or on his behalf by an authorized person, in the following circumstances:

(1) where abuse or harmful neglect of children, the elderly, or disabled or incompetent individuals is known or reasonably suspected;

(2) where the validity of a will of a former patient or client is contested;

(3) where such information is necessary for the professional licensed under this Chapter to defend himself against a malpractice action brought by the patient or client;

(4) where an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;

(5) in civil commitment proceedings, where an immediate threat of self inflicted damage is disclosed to the psychologist, associate psychologist, or psychological associate;

(6) where the patient or client, by alleging mental or emotional damages in litigation, puts his mental state at issue;

(7) where the patient or client is examined pursuant to a court order; or

(8) in the context of investigations and hearings brought by the patient or client and conducted by the Board, where in violations of this subchapter are at issue.

Section 169k. Professional licenses

(a) The Board shall issue a license to an applicant who holds a valid license as a psychology professional in another jurisdiction where the requirements for licensure are equivalent to or exceed the requirements of this territory and receive at least a passing grade on the local examination required under Section 169c, (a) (6) of this Chapter.

(4) Nothing in this chapter shall be construed to apply to the activities and services of a non-resident

psychology professional rendered not more than thirty (30) days during any calendar year, provided, that such person is licensed to perform such activities and services under the laws of the state or territory of that person's residence.

(5) Nothing in this Chapter shall be construed to apply to activities and services of a rabbi, priest, minister, or clergy person of any religious denomination or sect, provided, such activities and services are within the scope of the performance of regular or specialized ministerial duties.

Section 169n. Unlawful practice; penalties

(a) It shall be unlawful for any person to engage in any of the following acts:

(1) to practice or offer to practice psychology in the United States Virgin Islands, to use any title, abbreviation, sign, care or device to indicate that such person is practicing psychology, to use any description of psychologist or psychological associate, associate psychologist, unless that person has been duly licensed or exempted under the provisions of this chapter;

(2) materially refuses to furnish the board information or records required or requested pursuant to this chapter.

(b) willfully engages in any unlawful act enumerated in this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 for each offense, and may be imprisoned for not more than twelve (12) months. The third or any subsequent conviction for violation of this section during a thirty-six (36) month period shall constitute a felony.

Section 169o. Professional disclosure

Any individual, or employer or such an individual, who is licensed under this chapter may not charge a client or receive remuneration for professional services unless, before the performance of those services, the client is furnished a copy of a Professional Disclosure Statement. The Professional Disclosure Statement shall be displayed in a conspicuous location at the place where the services are performed and a copy of the statement shall be provided to the client on request. The Professional Disclosure Statement shall contain:

(1) the name, title, business address, and business telephone number of the psychology professional licensed performing the services;

(2) the formal professional education of the licensed person including the institutions attended and the degrees received;

(3) the professional person's theoretical orientation, areas of specialization, and the services provided;

(4) in the case of a person licensed under this chapter, a person who is engaged in a private individual practice, partnership, or group practice, the person's fee schedule listed by type of service or hourly rate;

(5) the following words shall appear at the bottom of the first page of the disclosure statement "This information is required by the Board of Psychology Examiners which regulates all licensed psychologists, associate psychologists, and psychological associates;

(6) the name, address, and telephone numbers of the board shall appear immediately beneath the statement required by item (5) of this subsection; and

(7) in the case of a licensed psychological associate, the name, title, business address, and business telephone number of the supervisor shall also appear on the Professional Disclosure Statement.


Section 169p. Severability clause

The provisions of this chapter are severable. If any part of the chapter is declared invalid or unconstitutional, such a declaration shall not affect the parts which remain.

Thus passed by the Legislature of the Virgin Islands on December 19, 1994.

Witness our Hands and the Seal of the Legislature of the Virgin Islands this 30 day of December, A.D., 1994.




BINGLEY G. RICHARDSON, SR.
President


GEORGE E. GOODWIN
Acting Legislative Secretary