

Chap. 1020. AN ACT RELATING TO THE PROTECTION OF FLOOD PLAINS.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by striking out section 40, as amended by section 2 of chapter 444 of the acts of 1968, and inserting in place thereof the following section:—

Section 40. A person shall not remove, fill or dredge any bank, flat, marsh, meadow or swamp bordering on any inland waters without filing written notice of his intention to so remove, fill or dredge, including such plans as may be necessary to describe such proposed activity, with the conservation commission or if none with the board of selectmen in a town or the mayor of a city, and with the state departments of public works and natural resources. Such notice shall be sent by registered mail at least thirty days prior to any such removing, filling or dredging. The conservation commission or if none the selectmen or mayor, as the case may be, shall hold a public hearing on said proposal within fourteen days of the receipt of said notice and shall notify by mail the person intending to do such removing, filling or dredging, and said state departments of the time and place of said hearing. The conservation commission or if none the selectmen or mayor may recommend such protective measures as may protect the public interest. The conservation commission or if none the selectmen or mayor, within seven days thereafter, shall transmit such recommendations to the commissioner of natural resources, but the failure to do so shall not delay the issuance of an order by the commissioner. The department of public works shall determine whether the proposed activity would violate any provisions of chapter ninety-one and shall take such action as may be necessary to enforce such provisions. If the area on which the proposed work is to be done is determined by the department of natural resources to be essential to public or private water supply, to the ground water supply or to proper flood control, the department shall by written order signed by the commissioner impose such conditions as may be necessary to protect the interests described herein, and the work shall be done in accordance therewith. The provisions of this section shall not apply to areas established by the water resources commission as flood plain zones. Land used for agricultural purposes shall be exempt from the provisions of this section. The provisions of this section shall not apply to any work done under the provisions of clause (36) of section five of chapter forty, chapter two hundred and fifty-two, or any special act. The commissioner may, by rule or regulation, exempt from this section such other use as he may deem not inconsistent with the purposes of this section. The superior court shall have jurisdiction in equity to restrain a continuing violation of this section. *Approved November 9, 1971.*

Chap. 1021. AN ACT ESTABLISHING A BOARD OF REGISTRATION OF PSYCHOLOGISTS AND REGULATING THE PRACTICE OF PSYCHOLOGY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by adding after section 75, under the caption BOARD OF REGISTRATION OF PSYCHOLOGISTS, the following four sections:—

Section 76. There shall be a board of registration of psychologists

which shall consist of five members to be appointed by the governor. Members of the board shall be residents of the commonwealth and citizens of the United States. A member of the board shall hold a doctoral degree in psychology, or in a closely related field with a major emphasis in psychology, from a recognized educational institution and shall have been actively engaged in the practice or teaching of psychology or in psychological research for the five years next preceding his appointment. At least three members of the board shall be licensed psychologists under the provisions of sections one hundred and eighteen to one hundred and twenty-seven, inclusive, of chapter one hundred and twelve.

Section 77. Upon the expiration of the term of a member, his successor shall be appointed for a term of five years. No member of the board who has served a full five-year term shall be reappointed to succeed himself.

Section 78. The governor shall have the power to remove from office any member of the board for cause; but no board member may be so removed without being informed in writing at least thirty days in advance of the reasons for his removal and of his right to a public or private hearing with counsel.

Section 79. The board shall, at its first meeting, and at each annual meeting thereafter, organize by electing from among its members a chairman, a vice-chairman and a secretary. Such officers shall serve until their successors are elected and qualified.

The board shall hold at least two regular meetings each year; but additional meetings may be held upon call of the chairman, or the secretary, or at the written request of any two members of the board. Three members of the board shall constitute a quorum.

The board shall examine and pass upon the qualifications of applicants for licenses to practice psychology in the commonwealth and shall issue licenses to qualified applicants, but no action shall be taken with respect to the granting of a license or its revocation or suspension without the concurrence of at least three members of the board. The board shall adopt a seal which shall be affixed to all licenses issued by the board.

The board shall from time to time adopt such rules and regulations and such amendments thereof and supplements thereto as it may deem necessary.

The members of the board shall serve without compensation but each member shall be reimbursed by actual expenses reasonably incurred in the performance of his duties as a member or on behalf of the board. The board shall be empowered to hire such assistants as it may deem necessary to carry on its activities.

SECTION 2. Chapter 112 of the General Laws is hereby amended by adding after section 117, under the caption REGISTRATION AND LICENSING OF PSYCHOLOGISTS, the following twelve sections:—

Section 118. As used in sections one hundred and eighteen to one hundred and thirty, inclusive, the following words shall have the following meanings unless the context clearly indicates a different meaning:—

"Psychologist", an individual who by training and experience meets the requirements for licensing by the board and is duly licensed to practice psychology in the commonwealth.

"The practice of psychology", rendering or offering to render professional service for any fee, monetary or otherwise, to individuals, groups of individuals, organizations or the public; which services involve the application of psychological principles, methods or procedures in the prediction, interpretation or modification of psychological processes or behavior.

Such professional services may include, but are not limited to, administration and interpretation of psychological tests and assessment procedures; diagnosis, prevention, treatment or amelioration of adjustment problems or mental and emotional disorders; counseling; psychotherapy; hypnosis; personnel selection; mediation of interpersonal and social conflicts; evaluation and development of educational programs; assessment of attitudes and opinion; improvement of marketing and advertising, and design and conduct of psychological research.

"Board", the board of registration of psychologists.

"Recognized educational institution", a degree-granting college or university recognized as such by the United States Office of Education or the commonwealth.

Section 119. Each person desiring to obtain a license as a psychologist shall make application therefor to the board upon such form and in such manner as the board shall prescribe and shall furnish evidence satisfactory to the board that he:

(a) Is of good moral character;

(b) Has received a doctoral degree in psychology, or in a closely related field with a major emphasis in psychology, from a recognized educational institution;

(c) Has engaged for the equivalent of at least two years full time, at least one year of which was subsequent to his receiving the doctoral degree, in psychological employment, teaching, research or professional practice under the supervision of or in collaboration with a licensed psychologist, or one clearly eligible for licensure in the opinion of the board;

(d) Conducts his professional activities in accordance with accepted standards such as the Ethical Standards of Psychologists of the American Psychological Association or the Ethical Standards of the American Personnel and Guidance Association.

Section 120. Upon satisfaction of requirements specified in section one hundred and nineteen, the applicant shall pass an examination administered by the board. Examinations shall be conducted at least once a year at a time and place to be designated by the board. Examinations shall be written, oral or both as the board deems advisable. An applicant shall be held to have passed an examination upon the affirmative vote of at least three members of the board. Any person who shall have failed an examination conducted by the board may not be admitted to a subsequent examination for a period of at least six months.

Section 121. Notwithstanding the provisions of section one hundred and twenty, the board may issue a license without examination to an applicant who presents evidence that he has been licensed or certified as a psychologist by a similar board of another jurisdiction whose standards, in the opinion of the board, are not lower than those required in the commonwealth; or that he holds a diploma from a nationally recognized board or agency approved by the board.

Section 122. On and after January the first, nineteen hundred and seventy-four, any person not licensed to practice psychology who holds himself out to be a psychologist or who uses the title "psychologist" or engages in the practice of psychology in a manner that implies or would reasonably be deemed to imply that he is so licensed shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than three months, or both.

Section 123. The penalties in section one hundred and twenty-four shall not apply to:—

(a) The salaried employment of individuals in recognized educational institutions, federal, state, county or local governmental institutions, nonprofit community agencies or research facilities while performing those duties for which they are employed by such institutions, agencies or facilities;

(b) The salaried employment of individuals certified as school psychologists by the department of education when functioning within the scope of their employment by a private or public school system;

(c) The salaried employment of individuals in corporations, partnerships, associations, or for persons, providing psychological services for remuneration while performing those duties for which they are employed by such organizations or persons, under the supervision of a licensed psychologist;

(d) Persons eligible for licensure under section one hundred and nineteen who are full time employees of a recognized educational institution or a nonprofit research facility who are solicited for consultation of a research nature;

(e) Persons eligible for licensure under section one hundred and nineteen who provide consultative services for a fee no more than one day a month;

(f) Students of psychology, psychological interns or persons preparing for the practice of psychology under qualified supervision in a recognized training institution or facility provided that they are designated by such titles as "psychological intern", "psychological trainee" or others clearly indicating such training status.

Section 124. The board may grant a temporary license for a period not to exceed one year to a psychologist with legal residence outside the commonwealth to practice within the commonwealth provided he registers with the board and practices in consultation with, or under the supervision of, a licensed psychologist or possesses qualifications acceptable to the board.

Section 125. Nothing in sections one hundred and eighteen to one hundred and twenty-nine, inclusive, shall be construed to prevent qualified members of other professions or occupations such as physicians, teachers, members of the clergy, authorized Christian

Science practitioners, attorneys-at-law, social workers, guidance counselors, clinical counselors, adjustment counselors, speech pathologists, audiologists or rehabilitation counselors from doing work of a psychological nature consistent with the accepted standards of their respective professions, provided, however, that they do not hold themselves out to the public by any title or description stating or implying that they are psychologists or are licensed to practice psychology.

Section 126. The following fees shall be assessed and collected by the board: (a) Application fee, fifty dollars, (b) Initial license fee, twenty-five dollars, (c) Temporary license fee, ten dollars, (d) Biennial renewal fee, twenty-five dollars.

Section 127. Licenses shall be valid for two years and shall be renewed biennially. On or before April the fifteenth every two years the secretary of the board shall forward to each licensed psychologist an application form for renewal. Upon the receipt of the completed form and the renewal fee on or before June the first, the secretary shall renew the license for two years commencing July the first. Any application for renewal of a license which has expired shall require the payment of a new application fee.

Section 128. The board may revoke any license, or may suspend the same for a definite period not to exceed two years, if the holder has been convicted of a felony involving moral turpitude in connection with the practice of psychology, or has been found by the board to have employed fraud or deceit in obtaining his license or to have acted improperly, unethically or with gross negligence in the conduct of his profession.

Notice in writing of a contemplated revocation or suspension of a license, of the cause therefor in sufficient particularity, and of the date of hearing thereon, shall be sent by registered or certified mail to the licensee at his last known address at least fifteen days before the date of such hearing. The psychologist against whom a charge is filed shall have a right to appear before the board in person or by counsel, or both, may produce witnesses and evidence in his behalf, and may question witnesses. No license shall be revoked or suspended without such hearing, but the nonappearance of the licensee, after notice, shall not prevent such hearing. All matters upon which the decision is based shall be introduced in evidence at the proceeding. The licensee shall be notified in writing of the board's decision. The board may make such rules and regulations as it deems proper for the filing of charges and the conduct of hearings.

After issuing an order of revocation or suspension the board may also file a petition in equity in the superior court in a county in which the respondent resides or transacts business, or in Suffolk county, to ensure appropriate injunctive relief to expedite and secure the enforcement of its order, pending the final determination.

Section 129. After three years from the date of revocation, an application for reinstatement may be made to the board, which may, upon the affirmative vote of at least three of its members, grant such reinstatement.

SECTION 3. Of the initial five members of the board of registration of psychologists established by section seventy-six of chapter thirteen of the General Laws, inserted by section one of this act, one

shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. He shall also designate one of said members to act as chairman for the purpose of calling a meeting and organizing said board. Such members shall be deemed to be and shall become licensed psychologists immediately upon their appointment and qualification as members of said board.

SECTION 4. Nothing in this act shall be construed to prevent school psychologists certified by the department of education from practicing and functioning within the scope of their employment in either the public or private school setting or performing as certified school psychologists at any time in either private practice or the public sector provided they use the title "Certified School Psychologists".

SECTION 5. Notwithstanding the provisions of clause (b) of section one hundred and nineteen and of section one hundred and twenty of chapter one hundred and twelve of the General Laws, if application is made on or before December the thirty-first, nineteen hundred and seventy-three, to the board of registration of psychologists:—

(a) An applicant who holds a doctoral degree in psychology or in a closely related field with major emphasis in psychology, from a recognized educational institution, and who has had two years full time experience which is of reasonable, professional psychological standards, at least one year of which was subsequent to his receiving the doctoral degree shall be licensed without examination.

(b) An applicant who has a masters degree or equivalent graduate study in psychology and who has had over seven years experience which is of reasonable, professional psychological standards shall be licensed without examination.

(c) An applicant who has two years graduate work, or equivalent, in psychology and who has had at least five years experience which is of reasonable, professional psychological standards shall be licensed without examination.

(d) An applicant who has three years graduate work in psychology and four years experience which is of reasonable, professional psychological standards shall be licensed without examination.

(e) An applicant who deems himself qualified to be a psychologist and who has had at least five years experience which is of reasonable, professional psychological standards may, at the discretion of the board, be admitted to an examination and licensed if he passes.

Approved November 9, 1971.

Chap. 1022. AN ACT PROHIBITING A FOREIGN DISTILLER FROM HOLDING A WHOLESALER'S LICENSE UNDER THE ALCOHOLIC BEVERAGES CONTROL LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section 18B of chapter 138 of the General Laws is hereby amended by adding the following three paragraphs:—

No person who holds a certificate under this section shall hold or be granted a license under section eighteen. A person shall be deemed