

## SECTION .2800 - ANCILLARY SERVICES

### 21 NCAC 54 .2801 SCOPE

(a) Pursuant to G.S. 90-270.21, licensed psychologists (provisional and permanent), licensed psychological associates, or temporary licensees, all of whom shall be identified as "psychologists" under G.S. 90-270.2(9), may employ or supervise unlicensed individuals to provide ancillary services. The psychologist shall, at all times, retain full professional responsibility for the quality of the services rendered and for the effects of the services upon the client, patient, or other individuals. This responsibility for the quality of services delivered by supervisees and for the welfare of the client or patient shall be no different than if the psychologist had provided the services in person. The psychologist shall have had face-to-face contact during the course of services with all patients, clients, or other recipients of services who are provided ancillary services by unlicensed persons as part of the psychologist's services.

(b) Ancillary services shall be considered to be only those activities which an individual shall engage in for the purpose of providing assistance to a psychologist in providing psychological services to patients, clients, and their families. Not included as ancillary services are those clerical and administrative services which are not directly related to assisting a psychologist in the provision of psychological services.

(c) Failure of any psychologist to train ancillary services personnel, to ensure that training has occurred, or to supervise ancillary services personnel may subject that psychologist to disciplinary action pursuant to G.S. 90-270.15(a).

(d) The Board shall have the authority to restrict or revoke a psychologist's privilege to utilize unlicensed individuals to provide ancillary services for the following reasons:

- (1) evidence that the psychologist is not competent to supervise ancillary services personnel;
- (2) evidence that the psychologist has failed to adhere to legal or ethical standards;
- (3) evidence that there is a lack of congruence between the psychologist's training, experience, and area of practice and the ancillary services personnel's area(s) of practice;
- (4) evidence that the psychologist has a license against which disciplinary or remedial action has been taken; or
- (5) evidence that an unlicensed person in the psychologist's employment or under the psychologist's supervision has violated any provision of G.S. 90-270.15(a), which would otherwise apply to licensed individuals.

*History Note: Authority G.S. 90-270.9; 90-270.21;  
Eff. April 1, 2003.*

### 21 NCAC 54 .2802 TITLES

Titles of individuals providing ancillary services shall not indicate either that these individuals are licensed or trained in psychology or that the individuals are providing services defined as the practice of psychology in G.S. 90-270.2(8). Unlicensed individuals providing ancillary services shall not use any title incorporating the words "assessment," "associate," "clinical," "counseling," "diagnostic," "evaluation," "examiner," "psychologic," "psychological," "psychologist," "psychology," or derivatives of such. Examples of titles that unlicensed individuals may use include "aide," "assistant," "behavioral," "testing," "technician," "psychometrist," or derivatives of these titles.

*History Note: Authority G.S. 90-270.9; 90-270.21;  
Eff. April 1, 2003.*

### 21 NCAC 54 .2803 EMPLOYMENT AND SUPERVISION OF UNLICENSED INDIVIDUALS

(a) Any psychologist who employs or supervises unlicensed individuals who provide ancillary services as specified in Rule .2801 of this Section shall maintain documentation of the relationship between the psychologist and the unlicensed individual beginning with the date upon which the relationship is initiated. Written documentation that includes the responsibilities of both parties shall be maintained by the licensee. Except when prevented from doing so by circumstances beyond the psychologist's control, the psychologist shall maintain documentation of the relationship with the unlicensed individual for a minimum of seven years after the termination of the relationship and shall present the documentation to the Board upon written request. If the unlicensed individual is supervised by more than one psychologist, there shall be a psychologist appointed to have primary responsibility for the coordination of and provision of ancillary services by the unlicensed individual. The appointed psychologist shall have responsibility for clinical record keeping with regard to the ancillary services provided by the unlicensed individual. Any psychologist supervising or employing persons who provide ancillary services shall not submit records regarding ancillary services personnel to the Board unless ordered to do so pursuant to G.S. 90-270.9.

(b) The psychologist shall be competent to render all ancillary services specified in Rule .2801 of this Section that the employee or supervisee shall render. However, supervision may be delegated to other psychologists affiliated with the employment setting whose competence in the delegated areas has been demonstrated by previous education, training, and experience.

(c) Any psychologist who employs or supervises individuals to provide ancillary services shall be accessible at all times, either on-site or through electronic communication, and shall be available to render assistance when needed to the unlicensed individual and patient or client, or shall have arranged for another psychologist to be accessible and available in the absence of the supervising psychologist. Psychologists shall meet with all unlicensed individuals whom they supervise to the extent necessary to provide supervision for the activities in which the unlicensed individual is engaged. The psychologist shall maintain documentation of supervisory sessions, including dates, appointment times, and length of time of each supervision session, for a period of at least seven years following the termination of ancillary services by ancillary services personnel.

*History Note: Authority G.S. 90-270.9; 90-270.21;  
Eff. April 1, 2003.*

#### **21 NCAC 54 .2804 QUALIFICATIONS AND TRAINING**

(a) Prior to the provision of ancillary services by an unlicensed individual, the psychologist supervising or employing the individual shall provide training in and establish that the individual has knowledge and understanding of legal and ethical requirements for maintaining confidentiality, exceptions to confidentiality including mandated reporting of suspected abuse or neglect, and professional ethics, and shall ensure that documentation is maintained in writing that the individual is trained in the aforementioned areas. Documentation of training shall include the date(s) on which training occurred, the purpose of the training, the identity of the individual(s) providing the training, and the total number of hours of training for each date on which the training occurred. Training in professional ethics shall include applicable areas of the Code of Conduct contained in the North Carolina Psychology Practice Act at G.S. 90-270.15(a). Documentation of qualifications and training that occurred prior to the effective date of this Rule shall not be required for ancillary services personnel who were employed prior to the effective date of this Rule and who continue in the same ancillary services position with the same agency or practice. Training occurring for any ancillary services personnel after the effective date of this Rule shall be documented as described in this Rule.

(b) Any psychologist supervising or employing an unlicensed individual to provide ancillary services shall provide instruction in and establish that the individual shall have received training sufficient to perform the activities delegated to the unlicensed individual, or otherwise shall ensure that documentation is maintained in writing that the individual is trained to perform the activities. The psychologist shall maintain documentation of the employee's or supervisee's training for at least seven years following the termination of ancillary services by ancillary services personnel.

(c) A psychologist shall not employ or supervise individuals to provide ancillary services who have previously been licensed or certified to practice psychology who have relinquished their licenses or certification or who have had their licenses or certification restricted, suspended, or revoked by the Board in North Carolina or any other jurisdiction.

*History Note: Authority G.S. 90-270.9; 90-270.21;  
Eff. April 1, 2003.*

#### **21 NCAC 54 .2805 SERVICES APPROPRIATE FOR ANCILLARY SERVICES PERSONNEL**

(a) Clerical functions requiring a minimum of judgment are appropriate activities in which unlicensed individuals may engage. Examples of these activities include responding to telephone inquiries, scheduling appointments, filing insurance claims, typing psychological reports, and completing data entry of test results after a patient or client has responded to such items as questionnaires, forms, etc. These activities shall be appropriate for ancillary services personnel to provide under the supervision of a psychologist. A psychologist who employs or supervises unlicensed individuals to provide only the services described in this Paragraph shall otherwise be exempt from the requirements of Rule .2803, Paragraph (a) of this Section as to these unlicensed individuals.

(b) Tasks requiring technical skills, training and judgment during execution are appropriate activities in which unlicensed individuals may engage. Examples of these activities include obtaining demographic histories; implementing biofeedback techniques; administering and scoring specific parts of psychological tests, including neuropsychological tests, which are scored on a pass/fail, multiple choice, or true/false basis, or for which scores are based on speed or quantity of performance; administering intelligence tests and other psychological tests to an individual in which the patient or client's performance may alter the length of the protocol, require adjustment of the number of items administered, or require that a decision be made to probe a response of the patient or client provided that ancillary services personnel have been deemed by the licensee to have met the training requirements of the test publisher; and implementing specific behavioral interventions that are part of a detailed treatment plan. A psychologist may delegate such technical tasks to an unlicensed individual upon determining that the tasks can be performed, given the client or patient's characteristics and circumstances, in a manner consistent with the unlicensed individual's training and skills. A psychologist who employs or supervises unlicensed individuals to provide the services described in this Paragraph shall comply with documentation and supervision requirements specified in Rule .2803 of this Section.

(c) Pursuant to G.S. 90-270.15(a)(17), a dated entry shall be made in the patient or client's records at any time that an ancillary service is provided at the request or direction of the licensee. This requirement shall include all ancillary services provided and billed to a third party or paid by the patient or client to the licensee and all ancillary services for which there is no charge. Unlicensed individuals providing ancillary services who make clinical record entries regarding services they provide shall sign such entries and indicate their titles under Rule .2802 of this Section as providers of ancillary services. The psychologist shall ensure that case notes, financial statements, and other records of services identify whether the psychologist or the unlicensed individual was the direct provider of the service.

*History Note: Authority G.S. 90-270.9; 90-270.21;  
Eff. April 1, 2003.*

#### **21 NCAC 54 .2806 SERVICES NOT APPROPRIATE FOR UNLICENSED INDIVIDUALS**

Individuals providing ancillary services shall not engage in tasks involving judgment during the execution of those services when training in the foundation of psychology for the level of judgment is characteristically based on academic preparation at the master's, specialist, or doctoral level in psychology. Examples of these activities include administration of projective techniques; psychological evaluation report writing; and all forms of diagnostic interviewing, counseling, and psychotherapy. Psychological test results shall not, under any circumstances, be interpreted by ancillary services personnel to recipients of services or their duly designated representative(s).

*History Note: Authority G.S. 90-270.9; 90-270.21;  
Eff. April 1, 2003.*