

**REGULATION OF PROFESSIONAL PRACTICE BY  
PSYCHOLOGISTS**

**REPORT OF THE  
VIRGINIA ADVISORY LEGISLATIVE COUNCIL  
to  
THE GOVERNOR  
and  
THE GENERAL ASSEMBLY OF VIRGINIA**



SD 5, 1964

**COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
RICHMOND  
1965**



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BY PSYCHOLOGISTS

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REPORT OF THE  
VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia, October 29, 1965

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

Prior to 1946 there was in Virginia no legal recognition of the practice of any form of psychology as one of the professions. In that year the General Assembly created the Examining Board for the Certification of Clinical Psychologists, provided for the examination by it of persons desiring to practice clinical psychology, fixed minimum qualifications for applicants for certification as clinical psychologists, and provided for the issuance of certificates by the Commissioner of Mental Hygiene and Hospitals to persons recommended by the Examining Board. It further prohibited serving or practicing or holding one's self out as qualified to serve or practice as a clinical psychologist without obtaining a certificate.

At the present time 43 persons are certified as Clinical Psychologists. However, there are 201 members of the Virginia Psychological Association and 384 recognized psychologists in Virginia. The growth of the profession is further illustrated by the fact that there are more than 23,000 members of the American Psychological Association.

Prior to and during the 1964 Regular Session of the General Assembly, there was considerable discussion of the adoption of legislation to provide for certification or licensing of all psychologists who offer their services to the public for a fee. The General Assembly, however, felt that careful consideration should be given to the pattern of regulation of the profession before legislation was adopted and, accordingly, directed a study of the subject by the passage of Senate Joint Resolution No. 29, which is as follows:

SENATE JOINT RESOLUTION NO. 29

*Directing the Virginia Advisory Legislative Council to make a study and report upon matters relating to the certification of psychologists.*

Whereas, Chapter 6 of Title 54 of the Code of Virginia, providing for the examination and certification of clinical psychologists, was enacted into law in 1946 and has not been substantially changed since that time; and

Whereas, many changes have occurred in the field of psychology since the enactment of this law and psychologists feel that some revisions of the law are necessary for the proper protection of the public; and

Whereas, differences of opinion have arisen between some groups of psychiatrists and of psychologists as to whether some of the functions of certain psychologists constitute the practice of medicine; and

Whereas, psychologists generally feel that the work done by clinical psychologists is not the practice of medicine, and that certification of all persons wishing to use the title "psychologist", or a similar title, by a board similar to the board presently provided by Chapter 6 of Title 54 would provide the necessary protection to the public; and

Whereas, some psychiatrists feel that some clinical psychologists in dealing with maladjustments and personality disorders are practicing medicine and should be licensed by the Board of Medical Examiners or should practice clinical psychology only under the supervision of, or in conjunction with, a licensed practicing physician; and

Whereas, the determination of these differences rests with the General Assembly of Virginia and the complexity and technical nature of the questions involved make it desirable that the Assembly have the benefit of a study made by the Virginia Advisory Legislative Council; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby directed to make a study and report upon the following and any related matters:

1. The types of services presently rendered by psychologists and psychiatrists, the extent to which such services can be defined and the extent, if any, to which they overlap.
2. Whether clinical psychologists rendering services to the public for a fee are engaging in the practice of medicine and, if so, whether the public interest requires that such psychologists be certified or licensed by the Board of Medical Examiners or required to work with or under the supervision of a licensed physician.
3. Whether psychologists as a group should be permitted to retain their professional identity, and certify members of their profession through their own examining board.
4. Whether it would be in the public interest to amend the present law governing the certification of psychologists so as to require the certification of all persons desiring to represent themselves to the public by the title "psychologist" or some similar title.

The Council in its study shall keep first in its view the health and welfare of the people of this State. All agencies of the State shall assist the Council in its study and the Council shall conclude the study and make its report to the Governor and the General Assembly not later than August 1, 1965.

The Virginia Advisory Legislative Council selected Dr. J. D. Hagood, of Clover, a member of the State Senate and member of the Council, to serve as Chairman of a Committee to make a preliminary study and report to it. Chosen to serve as members of the Committee were the following: Howard P. Anderson, Attorney, member of the House of Delegates, Halifax; H. H. Augustine, Jr., Richmond; Dr. W. Linwood Ball,

Richmond; Dr. Thomas C. Camp, St. Albans Sanitarium, Radford; Dr. John J. McMillan, formerly with the Department of Psychiatry, Medical College of Virginia, Richmond; Dr. W. A. Pennington, member of the House of Delegates, Buckingham; Dr. John R. Saunders, Westbrook Psychiatric Hospital, Richmond; Dr. William M. Sheppe, Jr., University of Virginia, Charlottesville; and Charles H. Taylor, Virginia Manufacturers Association, Richmond. John B. Boatwright, Jr., and Frank R. Dunham served as Secretary and Recording Secretary, respectively, to the Committee.

During the course of the study Dr. McMillan accepted a position outside of Virginia and resigned from the Committee.

The Committee carefully considered the proposals which have been made for the regulation of professional practice by psychologists. It considered the legislation and experience in the 29 jurisdictions-American states and Canadian provinces-which have provided such regulation. It sought and obtained the views of interested persons within and without the State and held a public hearing at which full opportunity was given psychologists, members of the medical profession, and those who make use of the services of psychologists to express their views on the subject. The Committee concluded its deliberations and made its report to the Council.

The Council has reviewed the report of the Committee and has reached the conclusion that in order to afford recognition of the important part which the professional practice of psychology plays in our complex modern society and in order to ensure that only those adequately prepared to engage in such practice be allowed to offer such services to the public, regulation of the whole field of professional practice by psychologists is essential. Accordingly, we make the recommendations summarized below:

#### SUMMARY OF RECOMMENDATIONS

1. That licenses be required of all psychologists who offer their services to the public for a fee.
2. That the present Examining Board for the Certification of Clinical Psychologists be continued under the name of the Virginia Board of Psychologists Examiners, to be composed of representatives of designated branches of psychology, including clinical psychology; that such Board examine all persons seeking to practice as psychologists; and that it be empowered to issue licenses to all qualified candidates other than those desiring to practice as clinical psychologists.
3. That a clinical psychologist be appointed as a member of the State Board of Medical Examiners and that this Board be authorized to issue licenses to practice as clinical psychologists to qualified candidates on the recommendation of the new Virginia Board of Psychologists Examiners.

#### REASONS FOR RECOMMENDATIONS

1. There are more than twenty recognized divisions in the field of psychology and, with the research and experimentation which is constantly going on, the subject becomes more complex from year to year. Not all psychologists are self-employed or hold themselves out for employment on a professional basis. Many teach in educational institutions. Others work for local, State, and national governmental entities. Many are employed, on a salaried basis, by business firms. But others, in numbers variously estimated up to as high as 12% of the total, practice

psychology by offering to perform psychological services for a fee on a professional basis.

Under our present statutes, there is no requirement for certification or licensing of any psychologist so long as he does not, in the solicitation of employment, call himself a certified clinical psychologist or hold himself out as being able or qualified to practice as such.

Like the other learned professions, the skills which are offered by psychologists are highly technical and neither the general public, nor even business men, educators, and others seeking to employ them, are in a position to determine the extent to which a given practitioner is qualified to perform his functions with adequate professional competence.

We do not feel that all persons who may have been trained in and received degrees in the subject of psychology should be required to obtain a license before they can seek employment. We do, however, strongly feel that when an individual offers his professional services and charges a fee for the performance of such services, he should be required to have passed an examination given by his peers to insure that the public is protected from the dangers which can result from a lack of adequate training and experience in the practitioner.

We accordingly recommend that all persons holding themselves out as being able to practice as psychologists be required to be licensed, and that, to be licensed, applicants meet minimum standards of training and experience and pass an examination conducted by competent persons.

2. We further recommend the creation, in lieu of the present Examining Board for the certification of Clinical Psychologists, of a Virginia Board of Psychologists Examiners composed of persons with sufficient psychological training and experience to enable them to pass on qualifications of applicants and to give examinations to persons seeking to practice any aspect of psychology on a professional basis. We propose that the Board be composed solely of psychologists, representing, insofar as possible, the major fields of the subject. In the selection of such a board we believe that the general pattern in connection with professional and occupational regulatory boards should be followed - that the members should be appointed by the Governor, and that the professional organization in the field, the Virginia Psychological Association, should be charged with the responsibility of recommending persons to be appointed on the Board.

One of the complaints which has been voiced about the present situation is that a person who is competent and adequately trained in one phase of psychology, may legally hold himself out to practice in any other field, except as a certified clinical psychologist. This indicates a need for an agency to supervise the activities of the whole profession.

In addition to its function relating to the examination of applicants to enter the profession, we recommend that the Board be further given power comparable to that of other licensing boards to police the activities of the profession and to revoke licenses for adequate cause and with proper safeguards.

3. A dictionary definition of psychology calls it the study of "the mental or behavioral characteristics of an individual or group" and it is obvious that a knowledge of psychology in this sense is an essential ingredient to success in many fields. A successful politician or salesman or advertising man or lawyer - one who attains a position of leadership in almost any field - must have, innately or by acquisition, a practical knowledge of applied psychology. Thus it is obvious that there is an overlap between psychology and many other lines of endeavor.



It is in the field of psychotherapy that the overlap between the practice of psychology and the practice of the healing arts gives concern. To the extent that the clinical psychologist uses psychotherapy in an effort to correct deviations from normal, to alleviate or cure mental illness, we feel that the practice of clinical psychology (the offering of clinical psychological services to the public for a fee) is a part of the practice of the healing arts.

Under our statutes, authority for the regulation of the practice of the healing arts is vested in the State Board of Medical Examiners. This Board is composed of practitioners of medicine, of homeopathy, of osteopathy, of chiropractic, of naturopathy, of chiropody and of physical therapy.

Since we regard the practice of clinical psychology as the practice of one of the healing arts we feel that the authority for licensure of such practitioners should be vested in the State Board of Medical Examiners. We have above recommended that examination of applicants to practice any form of psychology be conducted by the proposed Virginia Board of Psychologists Examiners. We therefore recommend that the State Board of Medical Examiners be enlarged by the appointment thereto of a clinical psychologist and that the Board be charged with the licensing of clinical psychologists, such licenses to be issued only to applicants to practice clinical psychology who have been examined and found competent by the Board of Psychologists Examiners.

A bill to carry our recommendations into effect is attached.

#### ACKNOWLEDGMENTS

We acknowledge the assistance of all those who gave the Committee the benefit of their views and otherwise aided it during the course of the study. We further acknowledge the contribution of time and effort by the members of the Committee and express to them our sincere appreciation of their contribution to the successful completion of the study.

Respectfully submitted,

EDWARD E. WILLEY, *Chairman*

TOM FROST, *Vice-Chairman*

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*A BILL To amend and reenact §§ 54-273, 54-274, 54-275, 54-276.6, 54-282, 54-284, 54-287, 54-296, 54-297, 54-298, 54-313, 54-315.1, 54-317, 54-317.1, 54-318, 54-319, 54-322, 54-323, 54-324 and 54-864 of the Code of Virginia, as severally amended; to amend the Code of Virginia by adding sections numbered 54-281.3 and 54-309.1, the amended and new sections relating to practice of the healing arts, and to the Department of Professional and Occupational Registration; further to amend the Code of Virginia by adding in Title 54 a chapter numbered 5.1, containing sections numbered 54-102.1 through 54-102.12, creating the Virginia Board of Psychologist Examiners, providing for the examining of persons desiring to practice psychology in Virginia and for the issuance and suspension of licenses by such Board; requiring certain reports and recommendations by such Board to the State Board of Medical Examiners as to persons desiring licensure as clinical psychologists; prohibiting the practice of psychology by unlicensed persons and providing penalties; and exempting licensed psychologists from giving testimony in civil cases as to certain communications; and to repeal Chapter 6 of Title 54 of the Code of Virginia, containing §§ 54-103 through 54-112, relating to clinical psychologists and the Examining Board for the certification of Clinical Psychologists.*

Be it enacted by the General Assembly of Virginia :

1. That §§ 54-273, 54-274, 54-275, 54-276.6, 54-282, 54-284, 54-287, 54-296, 54-297, 54-298, 54-313, 54-315.1, 54-317, 54-317.1, 54-318, 54-319, 54-322, 54-323, 54-324 and 54-864 of the Code of Virginia, as severally amended, be amended and reenacted; that the Code of Virginia be amended by adding sections numbered 54-281.3 and 54-309.1; and that the Code of Virginia be further amended by adding in Title 54 a chapter numbered 5.1 containing sections numbered 54-102.1 through 54-102.12, the amended and new sections being as follows:

#### *Chapter 5.1*

*§ 54-102.1. As used in this chapter:*

*(a) "Board" means the Virginia Board of Psychologists Examiners.*

*(b) "Psychologist" means a person trained in the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of personality evaluation, group relations, and behavior adjustment.*

*(c) "Practice of psychology" means an individual's rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application except as specific applications are excluded in § 54-102.11, of principles, methods or procedures of the science and profession of psychology, to include:*

*(i) "Measuring and testing", consisting of the psychological assessment and evaluation of abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics and/or other psychological attributes of individuals, or groups of individuals by means of standardized measurements or other methods, techniques, or procedures recognized by the science and profession of psychology.*

*(ii) "Counseling and psychotherapy", consisting of the application of principles of learning and motivation in an interpersonal situation with the objectives of modification of perception and adjust-*

ment. Counseling and psychotherapy require highly developed skills in the discipline or disciplines, techniques, and methods of altering through learning processes, attitudes, feelings, values, self-concept, personal goals and adaptive patterns. Psychotherapy excludes the treatment of disease entities by the use of drugs or surgery.

(iii) "Psychological consulting", consisting of interpreting or reporting upon scientific fact or theory in psychology, rendering expert psychological opinion, psychological evaluation, or engaging in applied psychological research.

Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine as defined in Chapter 12 of this title.

(d) "Clinical psychologist" means a psychologist who is competent to apply principles of the practice of psychology to the diagnosis and treatment of clients or patients who seek assistance with problems of maladjustment, emotional disturbances, mental illnesses, and personality deviations.

(e) "Practice of clinical psychology" means the offering by an individual of his services to the public as a clinical psychologist.

§ 54-102.2. (a) The examining Board for the Certification of Clinical Psychologists appointed pursuant to § 54-104 is continued, and shall hereafter be known as the Virginia Board of Psychologists Examiners and shall consist of five members. Members of the Board in office when this act becomes effective shall continue in office until the expiration of the terms for which respectively appointed. Subsequent appointments shall be made by the Governor for terms of five years each. The Board shall hereafter consist of at least two members chosen from and members of the faculties of accredited colleges and universities in this State and actively engaged in teaching psychology, and at least two clinical psychologists who are licensed or qualified to be licensed in this State. The fifth member shall be chosen from any field of psychology.

(b) In making appointments to the Board, the Governor may select appointees from lists of not less than three names submitted to him by the Virginia Psychological Association at least thirty days before the vacancy occurs if by expiration of term and within thirty days of a vacancy occurring otherwise. A person shall be eligible to succeed himself only once after serving a term of five years.

(c) The members of the Board shall be paid their necessary expenses when engaged upon their duties as members of the Board.

§ 54-102.3. The Board shall annually elect one of its members to serve as chairman. The Director of the Department of Professional and Occupational Registration shall serve as Secretary to the Board.

§ 54-102.4. The Board shall adopt a seal and rules and, in accordance with Chapter 1.1 of Title 9, adopt regulations for its own proceedings and government, including a reasonable code of ethics governing the professional conduct of psychologists, and for the examination of candidates for licensing as provided herein.

§ 54-102.5. (a) Regular meetings of the Board shall be held at such times and places as it prescribes, and special meetings may be held upon the call of the Chairman but there shall be no less than one regular meeting each year, at which meeting candidates applying for licensing

*shall be examined and their qualifications determined. If, in the discretion of the Board, more than one examination in any one year is necessary, it may hold such other examination at such time and place as it may designate. All examinations provided for in this chapter shall be conducted by the Board or a majority thereof.*

*(b) The fee for such examination shall be fifty dollars and the scope and form of the examination shall lie within the discretion of the Board but shall be limited to the fields of learning required of a psychologist in the practice of his profession. All applicants shall have completed filing all credentials required by the Board with the Secretary of the Board at least thirty days prior to the date of such examination.*

*(c) The Board in its discretion may waive examination of a candidate for licensing if the candidate holds a diploma of the American Board of Examiners in Professional Psychology, or holds a certificate or license of an examining board of some other state, district or territory of the United States, provided that the standards of such other board are deemed by the members of this Board to be equivalent to the standards of this State and like reciprocity is extended to holders of licenses issued by this Board.*

*§ 54-102.6. (a) A candidate for licensing as a psychologist shall meet the following requirements:*

*(1) Be of good moral character.*

*(2) Hold a doctorate in psychology from a college or university accredited by a regional accrediting agency recognized by the State Board of Education or have had other academic training or specialized experience which, in the opinion of the Board, is equivalent thereto.*

*(3) Have had at least two years of appropriate experience in psychological work under conditions satisfactory to the Board; provided that applicants for licensure as clinical psychologists must have satisfactorily completed an internship or practicum of at least one year, full time, in a mental health facility acceptable to the Board and under the supervision of a clinical psychologist possessing qualifications substantially equivalent to those required for licensing under this title.*

*(4) Pass such examination in the field of psychology as shall be prescribed by the Board.*

*(b) The Board shall issue a license to practice psychology to any candidate passing the examination required under the preceding subsection, other than a candidate desiring to engage in the practice of clinical psychology. As to any candidate seeking licensure for the practice of clinical psychology, after his passage of such examination the Board shall forward the application, together with its recommendation as to the issuance of a license, to the State Board of Medical Examiners for licensure as provided in § 54-309.1.*

*(c) Notwithstanding the foregoing provisions of this section, the Board shall, until July one, nineteen hundred sixty-seven, waive the requirement of paragraph (4) of subsection (a) of this section and upon application and the payment of a fee of twenty-five dollars, grant a license to practice as a psychologist to any applicant who:*

*(1) Holds a doctorate in psychology in accordance with standards set forth in subsection (a) (2) of this section and has had at least two years full time experience, or the equivalent, in rendering psychological services under conditions satisfactory to the Board; or*

(2) Holds a masters degree in psychology in accordance with standards set forth in subsection (a) (2) of this section and has completed seven years full time satisfactory experience, five years of which shall have been acquired after receipt of his masters degree, in rendering psychological services under conditions satisfactory to the Board, or has had equivalent experience satisfactory to the Board; and

(3) In either case, has been holding himself out full time, for compensation, to the public in this State as a psychologist and was rendering psychological services to the public on or before July one, nineteen hundred sixty-six; and

(4) Has been a resident of this State at least one year prior to July 1, 1966; and

(5) Has applied for a license on or before July one, nineteen hundred sixty-seven.

(d) The Board may issue, to any person who has applied to take the examination provided for in § 54-102.6, a temporary permit to practice psychology in this State, pending his taking of such examination and action of the Board on his application. No such permit shall be issued for a period greater than six months.

54-102.7. Every license or certificate of renewal issued under this chapter to engage in the practice of psychology shall expire on the thirtieth day of June of the year following the year of issue. On or before the first day of June of each year the secretary of the Virginia Board of Psychologist Examiners shall mail to each licensee an application for renewal in such form as the Board shall prescribe. The licensee shall return such application, properly filled in, to the Board together with a fee of ten dollars before June thirty of each year, upon receipt of which the Board shall issue to the licensee a certificate of renewal for the period beginning July first and ending on June thirtieth of the succeeding year. Failure of a licensee to receive the application from the secretary shall not excuse him from the requirements for renewal herein contained. An unexpired license or certificate of renewal shall be conspicuously displayed in the office of the holder thereof and shall authorize him to engage in the practice of psychology as defined in this chapter for the period of validity of such license or certificate.

§ 54-102.8. The Board after procedure in accordance with Chapter 1.1 of Title 9 may suspend any license issued by it or may revoke any such license, if the holder

- (1) has been convicted of a felony, or
- (2) has been found by the Board to have employed fraud or deceit in obtaining the license, or
- (3) is an habitual drunkard or is addicted to the use of habit forming drugs, or
- (4) has acted negligently or wrongfully in the conduct of his profession, or not in conformance with the code of ethics adopted by the Board, or
- (5) Has been found performing functions outside the area of his licensure.

Application for reinstatement may be made to the Board, and it may, after affording the applicant a hearing, grant such reinstatement. The Board may, at its own discretion, review and reverse its suspensions, revocations or refusals to issue a license at any time.

§ 54-102.9. No person not licensed as provided in this chapter shall engage in any practice which in the judgment of the Board constitutes the practice of psychology as defined in § 54-102.1. No person not licensed as provided in this chapter shall hold himself out to the public by any title or description of services representing himself as a psychologist which incorporates the words "psychological", "Psychologist", or "psychology".

§ 54-102.10. Any person who represents himself to be a psychologist or engages in the practice of psychology as defined in § 54-102.1 without having first complied with the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offense and, in addition, may be imprisoned for not exceeding six months.

§ 54-102.11. Nothing in this chapter shall be construed to regulate or limit:

(1) The activities or services of, or use of his official title by, a person in the employ of a federal, State or local government or of a college or university accredited by a regional accrediting agency approved by the State Board of Education, within the scope of the employment of such person.

(2) The activities or services of a student, interne, or resident pursuing a course of study in psychology in an institution accredited by such a regional accrediting agency or approved by the Board provided such activities or services constitute a part of his course of study and are adequately supervised.

(3) Activities in the course of the full time practice of any other recognized business or profession.

§ 54-102.12. No psychologist licensed hereunder or licensed as a clinical psychologist under § 54-309.1, shall be required in giving testimony as a witness in any civil action to disclose any information communicated to him in a confidential manner or properly entrusted to him in his professional capacity and necessary to enable him to discharge the duties of his profession according to the usual course of his practice or discipline wherein the person so communicating such information about himself or another is seeking psychological counseling and advice relative to and growing out of the information so imparted. This section shall also apply to records of information so communicated or entrusted.

§ 54-273. When used in this chapter unless expressly stated otherwise:

(1) "Board" means the Board of Medical Examiners for the State of Virginia.

(2) "The healing arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases, or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

(3) "Practice of medicine" means the treatment of human ailments, diseases, or infirmities by any means or method.

(4) "Practice of homeopathy" means the treatment of human ailments, diseases, or infirmities by any means or method.

(5) "Practice of osteopathy" means the treatment of human ailments, diseases, or infirmities by any means or method other than

surgery and drugs, provided, however, that if a duly licensed osteopath has satisfied the Board of Medical Examiners that he has had adequate clinical experience at the professional school from which he graduated, or hospital work, to enable him to perform surgery with the use of instruments, or has satisfied the Board by an examination that he is qualified to practice surgery, and has further satisfied the Board by an examination that he is qualified to administer drugs, then the term "practice of osteopathy" as applied to such person shall include the use of surgery and drugs.

(6) "Practice of chiropractic" means the adjustment of the twenty-four movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy. It does not include the use of surgery, obstetrics, osteopathy, nor the administration nor prescribing of any drugs, medicines, serums or vaccines.

(7) "Practice of naturopathy" means the treatment of human ailments, diseases or infirmities by means of heat, light, diet, massage, baths and other natural agents, but does not include the use of surgery, the X-ray, X-ray therapy, electrotherapeutics, obstetrics, osteopathy, or the prescribing of any drug or medicine.

(8) "Practice of chiropody (podiatry)" means the medical, mechanical and surgical treatment of the ailments of the human foot, but does not include amputation of the foot or toes, nor the use of other than local anesthetics.

(9) "Practice of physical therapy" means the treatment under medical prescription and direction of bodily or mental disorders of any person by use of physical, chemical and other properties of heat, cold, light, water, electricity or sound, and by means of mechanical, electronic and other devices, massage, exercise and other physical procedures, whether such devices and procedures are for therapeutic or for retraining or rehabilitation purposes. The term "physical therapy" as used in this chapter does not include the use of Roentgen rays and radium for diagnostic or therapeutic purposes or the use of electricity for shock therapy and surgical purposes, including cauterization. Nothing in this definition shall be construed to limit or restrict the practice of any person licensed by the Board as other than a physical therapist, nor shall anything in this definition limit or restrict the giving or use of massages, steam baths, dry heat rooms, infra red heat or ultra violet lamps in health clubs and spas, public or private.

(10) *"Practice of clinical psychology" means the operation of an office or other designated place where a client or patient will for a designated fee or other remuneration be treated by a psychologist, as defined in § 54-102.1, using methods of the science and profession as applied to abnormal behavior, maladjustment, personality deviation, emotional upset or any illness of the human mind. The Board is empowered to determine, as to the activities of any individual, whether such activities constitute the practice of clinical psychology.*

§ 54-274. Except as otherwise provided in §§ 54-276 to 54-276.7, it shall be unlawful for any person to practice medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody, \* physical therapy or clinical psychology, or any other school or branch of the healing arts in the State without a valid unrevoked certificate or license authorizing such practice issued by the Board of Medical Examiners pursuant to the provisions of this chapter and duly recorded as hereinafter provided; and it shall be unlawful for any person who holds a valid unrevoked certificate

or license permitting him to practice in Virginia to practice the school or branch of the healing arts for which he holds such certificate or license except within the scope of the definition of such practice contained in § 54-273.

The provisions in this section shall not be construed to prevent or prohibit any person entitled to practice his profession under any prior law on June twenty-fourth, nineteen hundred and forty-four, from continuing such practice within the scope of the definition of his particular school of practice contained herein, but in all other respects the provisions of this chapter shall be applicable; nor shall the provisions of this section be construed to prevent or prohibit any person, residing on the border of a neighboring state or the District of Columbia and entitled to practice his profession under the laws of that state, from practicing within Virginia, provided that in Virginia he does not open an office or appoint places to meet his patients or receive calls, and provided that the other state or district extends a similar privilege to the citizens of Virginia; and provided that each practitioner claiming exemption under the provisions of this section shall file with the Board of Medical Examiners in such manner as it prescribes evidence of his right to such exemption. Upon proof of such right to the satisfaction of the Board and payment of three dollars license fee to the Board it shall enter the name of the applicant in a register kept for that purpose and shall issue to the applicant a certificate in evidence of such registration, and the registration and certification shall be renewed annually on payment of the license fee, under conditions prescribed by the Board.

§ 54-275. Any person shall be regarded as practicing the healing arts and some school or branch thereof within the meaning of this chapter who opens an office for such purpose, or advertises or announces to the public in any way a readiness to practice in any county or city of the State, or diagnoses the condition of, prescribes for, gives surgical assistance to, treats, heals, cures or relieves persons suffering from injury or deformity or disease of mind or body, or advertises or announces to the public in any manner a readiness or ability to heal, cure or relieve those who may be suffering from any human ailment or infirmity, or who uses in connection with his name the words or letters "Doctor", "Dr.", "M.D.", "D.O.", "D.C.", "D.N.", "Healer", "Physical Therapist", "R.P.T.", "P.T.", *Clinical Psychologist*, or any other title, word, letter or designation intending to designate or imply that he is a practitioner of the healing arts or of any school or branch thereof or that he is able to heal, cure or relieve those who may be suffering from any injury, deformity or disease of mind or body.

The provisions of this section applicable to persons shall also, to the extent applicable, apply to groups of persons and corporations.

Except where persons other than physicians are required to sign birth certificates, signing a birth or death certificate, or signing any statement certifying that the person so signing has rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the healing arts and some school or branch thereof within the meaning of this chapter.

§ 54-276.6. Nothing in this chapter shall be construed to affect or interfere with the performance of the duties of any commissioned or contract medical officer, \* physical therapist, or *clinical psychologist* in active service in the Army, Navy, Coast Guard, Marine Corps, Air Force, Public Health Service or Marine Hospital Service of the United States while so commissioned and serving.



§ 54-281.3. *It shall be unlawful for any person not licensed as such under this chapter to designate himself as a clinical psychologist, or use the words "clinical psychologist" in connection with his name or otherwise hold himself out as qualified to practice clinical psychology.*

§ 54-282. The Board of Medical Examiners for the State of Virginia is continued, and shall consist of one medical physician from each congressional district, and one homeopath, one osteopath, one chiropodist, two chiropractors, *one clinical psychologist* and one naturopath from the State at large. The first chiropodist member shall be appointed for a term to expire five years from June thirty, nineteen hundred fifty. *The first clinical psychologist member shall be appointed for a term to expire five years from June thirty, nineteen hundred sixty-six.*

§ 54-284. The Governor may select the medical physicians from a list of at least three names for each vacancy to be recommended by the Medical Society of Virginia, *the clinical psychologist from a list of three names recommended by the Virginia Psychological Association*, and the homeopath, osteopath, chiropodist, chiropractor and naturopath members, respectively, from a list of at least three names for each such vacancy to be nominated to him or to the Governor-elect by June one of each year by their respective State societies. In no case shall the Governor be bound to make any appointment from among the nominees of the respective societies. The Governor shall promptly notify the society which may make nominations, of any vacancy other than by expiration among the members of the Board representing the particular profession and like nominations may be made for the filling of the vacancy.

Recommendations shall be by vote of the majority present at the meeting of the respective societies, and shall be certified to the Governor by the president and secretary of the society making the recommendation.

§ 54-287. If any *medical physician* member of the Board ceases to reside in the district from which he was appointed, his office shall be deemed vacant.

§ 54-296. (a) Proof of identity.—The Board, or any member thereof, may at any time inquire into the identity of any person claiming to be a licensed or registered practitioner, and may serve upon him a notice in writing requiring him to make reasonable proof, satisfactory to the Board, that he is the identical person licensed to practice medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody,\* physical thereapy, *or clinical psychology*, under the certificate or license by virtue of which he claims the right to practice.

(b) Proof of right to practice.—The Board, or any member thereof, may investigate any person practicing or attempting or offering to practice medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody, \* physical therapy *or clinical psychology*, in this State and may require such person to produce his certificate, or other satisfactory evidence sufficient to establish his right to practice under this chapter.

(c) Prosecution for violation.—In case any such person fails or refuses to establish his identity or fails or refuses to prove his right to practice, the investigator shall report the facts to the Commonwealth's attorney of the county or city wherein such person is practicing or attempting or offering to practice, and it shall be the duty of the Commonwealth's attorney to immediately prosecute such person for violating the provisions of this chapter, and upon the trial the burden of proof shall be upon such person to establish his right to practice.

(d) Jurisdiction.—The circuit court of the county wherein the offense is committed shall have original jurisdiction concurrent with the county

court, and the corporation court of the city wherein the offense is committed shall have original jurisdiction concurrent with the municipal court of the city, in the trial of such person for such offense.

§ 54-297. The examination of candidates for certificates to practice any branch or school of the healing arts, except chiropody, \* physical therapy and *clinical psychology*, shall be in two parts or sections and these shall be known as Part I and Part II.

§ 54-298. Part I of the examination shall be given by the Board and shall be taken and passed by all applicants, except those desiring to be examined on chiropody, \* physical therapy, and *except those who have been examined by the Virginia Board of Psychologists Examiners*, irrespective of the particular school or branch of the healing arts to which they adhere, and the examination given at any particular time shall be the same for all candidates, the same subjects being included and the same questions being asked. Part I of the examination shall embrace the subjects of anatomy, pathology, physiology, bacteriology and biochemistry. No candidate shall be held to have passed Part I of the examination unless he has made an average grade of seventy-five per cent or more on the several subjects embraced therein, with no grade lower than seventy per cent on any one subject.

Examinations shall be written or partly written and partly oral and examination papers shall be preserved for a period of three years, after which they may be destroyed.

§ 54-309.1. (a) *Upon receipt of an application for the issuance of a license to practice clinical psychology, together with a recommendation from the Virginia Board of Psychologists Examiners that such license be issued, the Board shall, in the absence of good cause to the contrary, issue a license to the applicant.*

(b) *Any person who, prior to July one, nineteen hundred sixty-six has been duly issued a certificate as a certified clinical psychologist under the provisions of Chapter 6 of this Title, may practice clinical psychology thereunder until July one, nineteen hundred sixty-seven and shall, upon application, accompanied by a fee of ten dollars, be issued a license by the Board under this chapter.*

§ 54-313. Every certificate or license to practice medicine, homeopathy, osteopathy, chiropractic, naturopath, chiropody, \* physical therapy, or *clinical psychology* granted under the provisions of this chapter shall, before the holder thereof begins to practice thereunder, be presented by him to the clerk of the circuit court of the county or the corporation court of the city wherein such practice is to be carried on. The clerk of each such court shall keep a book for the purpose, entitled the "Medical Register", and shall set apart one full page therein for the registration of each certificate holder or licensee, and he shall record therein the name, residence, place and date of birth, and source, number and date of the certificate or license to practice, and the school of practice to which the certificate holder or licensee professes to belong.

Each certificate holder or licensee shall subscribe and verify under oath the matters above mentioned when the same have been so recorded, and if the verification is wilfully false, he shall be subject to conviction and punishment for false swearing as provided by law. The fact of such oath and record shall be endorsed by the clerk upon each certificate or license presented, and the clerk shall receive the sum of one dollar for each certificate holder or licensee so registered, which shall be his full compensation for all duties required under this chapter.

The holder of any such certificate or license shall have the same recorded upon each change of residence to another county or city, and the absence of such record shall be prima facie evidence of the want of possession of such certificate or license.

When any certificate holder or licensee shall die or remove from the county or city, or have his certificate or license revoked, it shall be the duty of the clerk to make a note of the facts at the bottom of the page of such register as closing his record. On the first day of January in each year each such clerk shall, on the request of the Board, certify to the secretary thereof a correct list of the certificate holders and licensees then registered in his county or city, together with such other information as the Board may require.

§ 54-315.1. Every certificate to practice medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody, \* physical therapy, *or clinical psychology* granted under the provisions of this chapter shall expire on the thirtieth day of June of each year, but shall be renewed annually by the State Board of Medical Examiners upon application of the holder thereof as herein provided. On or before June first of each year the secretary of the Board shall mail to each certificate holder at his last known address an application for renewal of certificate in such form as the Board may determine, which application shall have had thereon instructions as to how it shall be prepared, signed and returned. The person holding the certificate shall furnish the information indicated on the application and sign and return the application to the Board with a renewal fee of three dollars on or before June thirtieth of each year; *provided that the fee for a renewal of a license to practice clinical psychology shall be ten dollars, of which seven dollars shall be paid by the Board into the State Treasury to the credit of the Department of Professional and Occupational Registration, to be used for the administrative expenses of the Virginia Board of Psychologist Examiners.* Upon receipt of the application and the required fee the secretary of the Board shall issue to the applicant a certificate of renewal for the period beginning July first of the current year and ending June thirtieth of the following year. No renewal certificate shall be required for any part of the renewal period in which the original certificate is granted. Failure of the certificate holder to receive the application form from the secretary shall not excuse him from the requirements for renewal herein contained. Such certificate of renewal shall be conspicuously displayed in the office of the holder thereof and shall authorize such holder to practice the school or branch of the healing arts designated thereon for the period indicated on the certificate.

§ 54-317. Any practitioner of medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody, \* physical therapy *or clinical psychology* shall be considered guilty of unprofessional conduct if he:

- (1) Undertakes or engages in any manner or by any means whatsoever to procure or perform or to aid or abet in procuring or performing a criminal abortion; or
- (2) Engages in the practice of medicine under a false or assumed name, or impersonates another practitioner of a like, similar or different name; or
- (3) Prescribes or dispenses any morphine, cocaine, or other narcotic with intent or knowledge that it shall be used otherwise than medicinally, or with intent to evade any law with respect to the sale, use or disposition of such drug; or

(4) Issues or publishes in any way whatsoever advertising matter in which grossly improbable or extravagant statements are made, or which have a tendency to deceive or defraud the public or to impose upon credulous ignorant persons; or

(5) Causes the publication or circulation or broadcasting of any advertisement in which he claims that he can cure or treat diseases, ailments or infirmities by any secret method, procedure, treatment or medicine, or in which he claims that a manifestly incurable disease or infirmity can be permanently cured; or

(6) Advertises or professes or holds himself out as being able and willing to treat human ailments under a system or school of practice other than that for which he holds a certificate or license granted by the Board; or

(7) Violates any of the provisions of § 54-278; or

(8) Being a practitioner of physical therapy, undertakes to practice physical therapy, independently of the prescription or direction of a duly licensed doctor of medicine, homeopathy or osteopathy.

§ 54-317.1. The Board may refuse to admit a candidate to any examination, *may refuse to issue a license*, and may refuse to issue a certificate to any applicant who applies for the same through reciprocity or otherwise, and shall suspend, in the manner provided in § 54-321.2, any certificate or license held by any person if it find that such candidate, applicant or licensee:

(1) Has been convicted in the courts of this or any other state, territory or country of a felony or of a crime involving moral turpitude. The conviction of any offense in another state, territory or country, which if committed in this State would be deemed a felony, shall be held to be a felony under this section without regard to its designation in such other state, territory or country;

(2) Has been adjudged insane or incompetent by a court of competent jurisdiction, either within or without this State, and such adjudication is in effect and such person has not been declared restored to sanity or competence.

§ 54-318. In case an applicant is refused admittance to an examination, or is refused a certificate or license by the Board, for any of the reasons set out in §§ 54-316, \* 54-317 or 54-317.1, such applicant may apply to the circuit court of the county or the corporation court of the city in which he resides for a writ requiring the Board to show cause why the admittance or certificate or license was refused. In such case service of process may be had upon the member of the Board residing in the congressional district in which the court is located, or, if for any reason such service cannot be obtained, then upon any other member of the Board wherever found. The burden of proof shall be upon the petitioner to establish his right to be examined or to be granted a certificate or license. It shall be the duty of the Commonwealth's attorney of the county or corporation to represent the Board in the proceeding. From any judgment of the court upon the issue tried there may be an appeal to the Supreme Court of Appeals as in other cases.

§ 54-319. In order to suspend or revoke the certificate or license of a practitioner of medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody, \* physical therapy, or *clinical psychology*, for any of the reasons set out in §§ 54-316 or 54-317, the member of the

Board, if any, residing in the congressional district in which the practitioner resides, or if there be no such member residing therein then any other member of the Board, or any officer of the Board acting at the direction of the Board, or if the charges involve a physical therapist, any member of the Committee shall present to the Board in writing charges against the character or conduct of the practitioner. If upon considering such charges the Board is of opinion that a prima facie case has been made out, it shall appoint a time and place for a hearing thereon. No such hearing shall be held until the practitioner shall have been given at least ten days' written notice of the time and place thereof, which notice, together with a copy of the charges, shall be served on him in accordance with the provisions of § 8-51.

The practitioner shall have the right of attendance upon the hearing and to be represented by counsel, and to summon witnesses to testify in his behalf at such hearing. The cost of employing such counsel and the expense of obtaining attendance of the witnesses shall be borne by the practitioner. The failure of the practitioner to attend, or his failure to defend himself, shall not serve to delay or make void the proceedings. The Board shall have the power to employ counsel and a stenographer and to summon witnesses, and the cost thereof shall be paid out of the State treasury. Not less than nine members of the Board, at least one of whom shall be of the same school as the practitioner on trial, shall sit as the hearing body, and the affirmative vote of not less than three-fourths of the members in attendance shall be necessary to revoke or suspend a certificate or license, provided that if the charges involve a physical therapist a member of the Committee shall sit with the nine members of the Board in an advisory capacity and without vote. The proceedings at the hearing shall be recorded formally, and be certified by the president and secretary of the Board.

§ 54-322. Any person practicing the healing arts or any school or branch thereof, or practicing medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody, \* physical therapy, *or clinical psychology* in this State, in violation of the provisions of this chapter, shall, under conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars for each offense, and in addition may be imprisoned for not exceeding six months; and for a second offense the punishment shall be a fine of not less than one hundred dollars nor more than five hundred dollars and imprisonment for not exceeding twelve months. Each day of such violation shall constitute a separate offense, and in no case shall the person convicted be entitled to recover anything for the services rendered.

§ 54-323. The courts of record of this Commonwealth having general equity jurisdiction are hereby vested with jurisdiction and power to enjoin the unlawful practice of medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody, \* physical therapy, *or clinical psychology* in a proceeding brought by the Board of Medical Examiners or any member thereof, or by any citizen of this State, in the county or city in which the alleged unlawful practice occurred or in which the defendant resides.

§ 54-324. No injunction shall issue until after final hearing on the merits of the case. If upon final hearing it is shown that the defendant has been unlawfully practicing medicine, homeopathy, osteopathy, chiropractic, naturopathy, chiropody, \* physical therapy *or clinical psychology* the court shall perpetually enjoin such unlawful practice. The practice and procedure in such cases shall be the same, as near as may be, as that in any other injunction suit. The remedy by injunction herein given is in addition to the criminal prosecution and punishment provided in § 54-322.

§ 54-864. It shall be the duty of the Director to perform the administrative duties of the following boards and agencies of the Commonwealth: (1) The State Board of Accountancy; (2) The State Board for the Examination and Certification of Architects, Professional Engineers and Land Surveyors; (3) The \* *Virginia Board of Psychologists Examiners*; (4) The State Board for the Certification of Librarians; (5) The Board of Examiners of Mines, created by chapter 150 of the Acts of the General Assembly of nineteen hundred and forty; (6) The Board of Commissioners to Examine Pilots; (7) The Virginia Real Estate Commission; (8) The Board of Veterinary Examiners.

Each of the seventeen boards designated in this section and § 54-865 is hereby transferred to the Department of Professional and Occupational Registration, and each shall be a separate board within said Department. All of the administrative functions of the eight boards designated in this section shall be under the direction and supervision of the Director, and it shall be the duty of the members of each of the several boards designated in this section to co-operate with the Director to the end that his powers of direction and supervision of the administrative functions of each board shall not be impaired.

In the performance and discharge of his duties hereunder with respect to the eight boards designated in this section only, the Director shall (1) be the secretary of each board; (2) maintain all records for each board; (3) collect and account for all fees prescribed by law to be paid into each board and account for and deposit the moneys so collected in the manner prescribed by the several acts creating said boards; (4) make and file annually with the Governor a consolidated report with respect to each board; (5) employ such personnel and assistance as may be required for the operation of said boards; (6) enforce all regulations promulgated by said boards; and (7) exercise such other powers as may be necessary to function as the sole administrative officer and director of each of said boards.

2. Chapter 6 of Title 54 of the Code of Virginia containing §§ 54-103 through 54-112, is repealed.

3. This act shall be in force on and after July 1, 1966.



