

tion of a license shall not preclude the issuance after the passage of at least five years of a new license or registration to the offender, provided such person can show that he has complied with the provisions of this Act.

(B) Before the revoking, suspending, or refusing to issue a license or certificate for any cause under the provisions of this Act, the Commissioner shall give the person whose right to practice psychology is challenged an opportunity to be heard in person or by attorney, and to produce witnesses on his behalf. After such hearing, should the Commissioner decide to refuse, revoke, or suspend licensure or certification, he shall set forth in writing his reasons for so doing, and shall include detailed findings of fact.

(C) Any person who feels aggrieved by a decision of the Commissioner under subsection (B) of this section may, within thirty days after receiving notice thereof, seek review of said decision in the District of Columbia Court of Appeals. Such review shall be subject to appeal to the United States Court of Appeals for the District of Columbia Circuit.

(D) In hearings conducted pursuant to subsection (B) of this section, the attendance and testimony of witnesses may be compelled by subpoena. Any person refusing to respond to such a subpoena shall be guilty of contempt of court and may be punished as other persons guilty of contempt of court are punished.

SEC. 16. Any person who shall practice psychology, as defined in this Act, without having a valid, unexpired, unrevoked, and unsuspended license or certificate of registration issued under this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 or confined in jail for not more than six months, or both.

SEC. 17. The unlawful practice of psychology as defined in this Act may be enjoined by the United States District Court for the District of Columbia on petition by the Commissioner, upon a finding that the person sought to be enjoined is guilty of a violation of the provisions of this Act. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of psychology, the court shall enjoin him from so practicing unless and until he has been duly licensed. The remedy by injunction hereby given is in addition to criminal prosecution and punishment based thereon, and not in lieu thereof.

SEC. 18. It shall be the duty of the Commissioner of the District of Columbia to enforce the provisions of this Act.

SEC. 19. In legal proceedings, no psychologist shall disclose any information he has acquired from a person consulting him in his professional capacity without the consent of such person, except only (1) in actions, civil or criminal in which a psychologist is suing or being sued by a former client or his legal representative, such as an action against a psychologist for malpractice, (2) upon an issue as to the validity of a document, such as a will of a client, (3) in case where the defendant to a criminal action has raised the defense of mental incapacity.

SEC. 20. (A) Nothing in this Act shall be construed as restricting the use of tools, tests, instruments, or techniques usually denominated "psychological," provided that the user does not represent himself or itself in a manner prohibited by this Act.

(B) Nothing in this Act shall be construed to prevent qualified members of other professions from doing work of a psychological nature consistent with their training and with the code of ethics of their respective professions: *Provided*, That they do not hold themselves out to the public by any title or description incorporating the words "psychological," "psychologist," or "psychology," unless licensed under this Act, and except as provided in section 5(D) of this Act.

SEC. 21. There is hereby authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary to pay the expenses of administering and carrying out the purposes of this Act.

SEC. 22. If any section of this Act, or any part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of any section or part thereof.

SEC. 23. This Act shall become effective ninety days after the date of its enactment.

Passed the Senate April 24, 1968.

Attest:

FRANCIS R. VALEO,
Secretary.