

Consolidated Act on Psychologists, etc.

An Act to consolidate the Act on Psychologists, etc., cf. Act No. 494 of 30 June 1993, as amended by section 7 of Act No. 463 of 10 June 1997 and section 4 of Act No. 207 of 27 March 2000.

Part 1

Licence, etc.

1. The right to claim the professional title of psychologist shall only apply to persons being granted a licence as psychologist under sections 2 and 19(2) hereof.

2.-(1) The right to be granted a licence as psychologist shall fall on any person, who in Denmark

- (i) has obtained a masters degree in psychology, a masters degree in psychology-education or any similar degree and
- (ii) has completed a supplementary practical training programme of two years as specified by the Danish Supervisory Board of Psychological Practice; cf. section 17 hereof.

(2) Licence shall be granted by the Danish Supervisory Board of Psychological Practice, which keeps a register of licences awarded.

(3) Any person assumed to constitute a danger to other people during the performance of his/her activity as psychologist either due to gross incompetence or illness shall not be eligible for licence. Licence may also be denied under the circumstances stipulated in section 78(2) of the Danish Criminal Code.

(4) Licence shall be subject to a fee determined by the Minister for Social Affairs.

3. A licensed psychologist may be struck off the register if the psychologist is assumed to constitute a danger to other people due to

- (i) an illness that makes the person in question unfit to perform his/her activities or
- (ii) disease or misuse of drugs, etc. to the effect that the psychologist permanently or intermittently is in a weakened psychological state or
- (ii) gross neglect in the performance of his/her activities.

4. Before deciding to strike someone off the register, the Supervisory Board of Psychological Practice may obtain a written declaration from the Medico-Legal Council and encourage the practitioner to prepare a written statement or make an oral statement at a meeting where the Medico-Legal Council may also participate. The relevant practitioner shall further be encouraged to declare within 14 days whether he/she wants the case decided by judgment or whether the case can be decided by the Supervisory Board of Psychological Practice. If no such declaration is made, the Supervisory Board of Psychological Practice shall bring the case before the courts.

5. In urgent cases, the Supervisory Board of Psychological Practice may temporarily suspend a practitioner's licence if his/her continued activities constitute an imminent danger.

6. A trial to strike the practitioner off the register shall be instituted by the Supervisory Board of Psychological Practice within the forms of civil procedure. A judgment to strike a practitioner off the register may stipulate that an appeal shall not act as stay of execution. However, the person affected may not be dismissed from his/her position because he/she has been struck off the register until final judgment has been delivered.

7.-(1) The Supervisory Board of Psychological Practice may request that the practitioner undergo medical or other expert examination for the Board's decision on whether to strike the practitioner off the register. If the person affected refuses to comply with such request, the Supervisory Board of Psychological Practice shall submit the matter to the Court before which possible proceedings may be instituted. The Court decides on the matter by issuing an order. Such decision may also be made after proceedings have been instituted to strike a practitioner off the register.

(2) If the practitioner fails to comply with a decision to submit himself/herself to medical or other expert examination, the Supervisory Board of Psychological Practice shall strike the person off the register and if proceedings have already been instituted, such proceedings shall lapse.

(3) The costs of the examination under subsection 1 hereof shall be paid by the Treasury.

8.-(1) The Supervisory Board of Psychological Practice shall publish decisions to temporarily or permanently strike a practitioner off the register pursuant to sections 3-7 hereof.

(2) If the right to serve as licensed psychologist is suspended by judgment in a criminal case, the prosecution must inform the Supervisory Board of Psychological Practice. The Board shall publish any such decision.

9.-(1) Subject to application, the Supervisory Board of Psychological Practice may allow a psychologist who has been struck off the register in pursuance of sections 3-7 hereof to reacquire the licence once the circumstances warranting the strike off are no longer present.

(2) A decision by the Supervisory Board of Psychological Practice to deny reacquisition under subsection (1) hereof, shall not be brought before the Courts until one year after the decision to strike a practitioner off the register or after a judgment denying the person affected to reacquire the licence.

10. A psychologist may renounce his/her licence for a specific period of time or until further notice to the Supervisory Board of Psychological Practice. Licence may be reacquired once the period specified for the renouncement has expired and may also be reacquired within the specified period subject to application to the Supervisory Board of Psychological Practice if the circumstances warranting the renouncement are no longer present.

11. The Supervisory Board of Psychological Practice shall make public any granting of licence and any striking off the register and renouncement pursuant to sections 9, 10 and 20 hereof.

Part 2

Rights and obligations

12. During the performance of his/her activities, a licensed psychologist shall exercise care and conscientiousness.

13. Complaints of the activities of a licensed psychologist in the health sector shall be brought before the Patients' Complaints Board.

14.-(1) Licensed psychologists shall keep proper records of their activities according to specific guidelines set by the Minister for Social Affairs on the recommendation of the Supervisory Board of Psychological Practice and subject to a statement from the Minister for Health as concerns the keeping of proper records of psychologists in the health sector.

(2) The records stipulated in subsection (1) hereof shall be kept for at least three years.

(3) Any person whose personal matters are included in the records under subsection (1) hereof is entitled to access to those records.

(4) However, the right of access may be limited where a party's interest in access is deemed subordinate to fundamental concerns for said party or other private interests.

(5) Rejection of a request for access to a licensed psychologist's activities in the health sector may be brought before the Patients' Complaints Board. Outside the health sector, a complaint of a rejection of a request for access may be submitted to the authority serving as the appeals body in respect of the licensed psychologist's field in general of the case to which the request of access relates.

15. (Repealed)

16. Licensed psychologists shall exhibit care and impartiality in preparing declarations in their capacity as licensed psychologists.

Part 3

Licensing and supervisory authority, etc.

17.-(1) As licensing and supervisory authority, the Minister for Social Affairs shall establish a supervisory board of psychological practice consisting of

- (i) one member appointed by the Minister for Social Affairs;
 - (ii) one member appointed on the recommendation of the Minister for Health
 - (iii) one member appointed on the recommendation of the Minister for Education
 - (iv) one member appointed on the recommendation of Local Government Denmark
 - (v) one member appointed on the recommendation of the Danish Association of County Councils
 - (vi) one member appointed on the recommendation of the Cities of Copenhagen and Frederiksberg
 - (vii) one member appointed on the recommendation of the Danish Council of Organisations of Disabled People
 - (viii) two members appointed on the recommendation of Danish Psychologists' Association
- Similarly, an alternate shall be appointed for each member.

(2) The Minister for Social Affairs shall appoint the chairman and vice chairman among the members of the board.

(3) Members of the Supervisory Board of Psychological Practice shall be appointed for terms of four years. If appointment is made during a term, such appointment shall only run until the end of that term. Members of the Supervisory Board of Psychological Practice who do not sit on the Board as part of their official duties shall receive remuneration and compensation for transport similar to persons not employed by the state receiving separate remuneration. The cost incurred in this connection shall be payable by the state.

(4) The Supervisory Board of Psychological Practice shall grant licences, cf. sections 2 and 19(2), and supervise licensed psychologists.

(5) The Minister for Social Affairs shall subject to a statement of the Supervisory Board of Psychological Practice lay down its rules of procedure, including rules that the Board may call in expert assistance and that cases may be decided in writing. The Minister for Social Affairs may further lay down rules to the effect that cases in which the decision is deemed clear are referred to the chairman for decision.

(6) The Supervisory Board's decisions cannot be brought before other administrative authorities.

18.-(1) Licensed psychologists shall at the request of the Supervisory Board of Psychological Practice furnish all information necessary for supervision.

(2) the Supervisory Board shall bring cases before the Patients' Complaints Board concerning any activities of licensed psychologists in the health sector which the Board finds give grounds for criticism or other sanction.

Part 4

Miscellaneous

19.-(1) The Minister for Social Affairs may lay down such provisions as to the performance of activities in Denmark as psychologist necessary for the implementation of the agreement of a common Nordic labour market for psychologists and any directives adopted by the European Community.

(2) the Supervisory Board of Psychological Practice may grant licence as psychologist to persons who have completed a programme abroad that is comparable with the programmes mentioned in section 2(1) hereof.

20. If licence as psychologist in Denmark has been granted on the basis of licensing in another country, the Supervisory Board may strike the person off the register if the licence granted in the other country is suspended or in some other way loses its validity.

21.-(1) The right to claim the professional title of psychologist can only be claimed by someone who holds a masters degree in psychology or another similar degree from a university or other higher educational institution.

(2) The rules on non-disclosure, cf. sections 152 and 152 c-f of the Danish Criminal Code, shall also apply to psychologists.

Part 5

Penalty provisions

22. Any licensed psychologist guilty of gross or repeated negligence during the performance of his/her activities shall be liable to a fine or imprisonment.

23.-(1) Violation of section 1, sections 14-16 and section 21(1) hereof shall be punishable by a fine.

(2) Regulations issued hereunder may prescribe penalties in the form of fines for violating the regulations.

Part 6

Transitional and commencement provisions, etc.

§ 24. The following amendments shall be made to Act No. 397 of 10 June 1987 on Central Health System Management, etc. as most recently amended by Act No. 369 of 6 June 1991:

1. Section 4(1) shall have the following wording:

»The Danish National Board of Health shall supervise the health-professional activities performed by persons in the health sector. However, this shall not apply to activities performed by licensed psychologists. Moreover, the National Board of Health shall supervise managers of nursing homes, etc. which have no permanent doctor.«

2. In section 19, the following new subsection shall be added after subsection (2):

»(3) In cases concerning the activities of licensed psychologists in the health sector, the Board of Health shall request a statement from the Supervisory Board of Psychological Practice before making a decision in a case.«

25. This Act shall come into force on 1 January 1994.

26.-(1) Any person who within the past ten years prior to the commencement of this Act has been working as psychologist, corresponding to at least two years of full-time work, and who has completed a training programme that meets the conditions for approval under the licensing scheme of 1990 of the Danish Psychological Association, or who meets the requirements imposed by the Ministry of

Education for approval of supplementary training of clinical psychologists in lower and upper secondary education, shall be entitled to licensing as psychologist; but see section 2(3) hereof.

(2) Applications for licensing under subsection (1) hereof shall be submitted to the Supervisory Board of Psychological Practice within six months of the commencement of this Act. Where warranted by special circumstances, the Supervisory Board of Psychological Practice may grant exemption from this time limit.

27. This Act shall not extend to the Faroe Islands and Greenland, but may, by Royal Decree, be made effective for the Faroe Islands subject to such deviations as are dictated by the special circumstances of the Faroe Islands.