

**THE ACT ON THE RIGHTS, DUTIES ETC.
OF PSYCHOLOGISTS.**

Act 494, as passed by Parliament on June 30, 1993.

**PART I
AUTHORIZATION ETC.**

Section 1.

Only a person, who has been granted authorization as a psychologist in pursuance of section 2 and subsection 2 of section 19, is entitled to call himself/herself an authorized psychologist.

Section 2.

Any person who in Denmark -

- 1) has graduated as a psychologist or as a psychologist/educationalist, or who has obtained any similar degree, and
- 2) who has undertaken supplementary practical training of a duration of 2 years, as decided by the Danish Supervisory Board of Psychological Practice in accordance with section 17,

has the right to be authorized as a psychologist.

subsection 2.

The above authorization is granted by the Danish Supervisory Board of Psychological Practice. The Board shall register all authorizations granted.

subsection 3.

Authorization shall not be granted to any person who may be considered a danger to his or her surroundings when practising as a psychologist, whether this danger be due to gross lack of competence or to sickness. Authorization may also be refused with reference to terms and conclusions laid down in subsection 2 of section 78 of the Danish Criminal Code.

subsection 4.

Authorization granted shall be subject to a fee, the amount of which is laid down by the Minister for Social Affairs.

Section 3.

A psychologist's authorization may be annulled if the psychologist is assumed to represent a danger to other persons, due to one of the following reasons:

- 1) a disease which renders him or her unable to practice,
- 2) a disease or misuse of drugs, or of related substances, which has the effect, that the psychologist, permanently or intermittently, is in a deficient state of mind,
- 3) gross negligence demonstrated while exercising practice.

Section 4.

Prior to any decision regarding annulment of authorization, the Danish Supervisory Board of Psychological Practice may obtain a written certificate from the Medico-Legal Council and request that the psychologist in question make a declaration in writing, or give a verbal account at a meeting in which the Medico-Legal Council also takes part.

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Furthermore, the psychologist in question shall be requested to state in the course of 14 days, whether he or she wishes the question of annulment to be settled by court decision or by the Danish Supervisory Board of Psychological Practice. Where such a statement is not made by the psychologist, the question shall be taken by the Danish Supervisory Board of Psychological Practice for decision in court.

Section 5.

In cases of extreme urgency, e.g. where any continuation of practice represents imminent danger, the Danish Supervisory Board of Psychological Practice may temporarily annul a psychologist's authorization.

Section 6.

Any action concerning annulment of authorization shall be brought by the Danish Supervisory Board of Psychological Practice within the modalities of the Administration of Justice Act. Judgment on the annulment of authorization may lay down that appeal shall not have any postponing effect upon the annulment.

The psychologist shall not, however, be dismissed from his or her position due to annulment of authorization before formal judgment has been pronounced.

Section 7.

The Danish Supervisory Board of Psychological Practice may request that the practicing psychologist undergo a medical or other expert examination, to the ends of facilitating the decision of the Board as to the possible annulment of the psychologist's authorization.

Should the psychologist refuse to comply with such a request, the Danish Supervisory Board of Psychological Practice shall then submit this matter to that court, to which the question of annulment may be brought. The court shall decide upon the matter by pronouncing a court order. Such a decision may also be made after the question of annulment has been brought before the court.

subsection 2.

If the practicing psychologist does not comply with a decision regarding a medical or other expert examination, the Danish Supervisory Board of Psychological Practice shall annul the psychologist's authorization, and where legal action on the question has already been brought, this action shall be pended.

subsection 3.

All expenses incurred in connection with examinations, done in the pursuance of subsection 1, shall be covered by the Danish Treasury.

Section 8.

The Danish Supervisory Board of Psychological Practice shall publish all decisions on temporary and permanent annulment of authorizations which result from the pursuance of sections 3 to 7.

subsection 2.

Where a person has been denied the right to practice as an authorized psychologist by court decision in a criminal case, the prosecution shall inform the Danish Supervisory Board of Psychological Practice her of. The Board shall announce all

court decisions regarding denial of the right to practice as an authorized psychologist.

Section 9.

The Danish Supervisory Board of Psychological Practice may, upon request, permit a psychologist, whose authorization has been annulled in pursuance of sections 3 to 7, to regain his or her authorization, when the circumstances that substantiated the annulment no longer exist.

subsection 2.

Rejection by The Danish Supervisory Board of Psychological Practice in the question of regaining authorization in pursuance of subsection 1 may not be brought before the court earlier than one year after the final decision on annulment has been made, or the right to regain authorization has been denied by court decision.

Section 10.

A psychologist may renounce his or her authorization to the Danish Supervisory Board of Psychological Practice either permanently or temporarily. Authorization may be regained when the period of time fixed for the renunciation has elapsed, and may likewise be regained by application to the Danish Supervisory Board of Psychological Practice before the end of the period, when the circumstances which substantiated the renunciation no longer exist.

Section 11.

The Danish Supervisory Board of Psychological Practice shall publicly announce any authorization, annulment or renunciation, decided upon in the pursuance of sections 9, 10 or 20.

**PART II
RIGHTS AND OBLIGATIONS.**

Section 12.

An authorized psychologist shall show solicitude and conscientiousness in the course of exercising his or her practice.

Section 13.

Complaints regarding the acts of authorized psychologists working within the health care system shall be directed to the National Health Service's Patients' Appeals Board.

Section 14.

Authorized psychologists shall keep systematic records of their activities in accordance with detailed guidelines laid down by the Minister for Social Affairs upon the recommendation the Danish Supervisory Board of Psychological Practice and in accordance with recommendations submitted by the Minister for Health regarding psychologists' records relating to the National Health Service.

subsection 2.

The records referred to under subsection 1 shall be retained for a minimum of 3 years.

subsection 3.

The person to whom the records under subsection 1 refer shall be entitled to have legal access to the records.

subsection 4.

The right to inspect records may, however, be subject to restrictions in the event that the person's interest in the inspection of the records is superseded by important considerations to the person himself or to other private interests.

subsection 5.

Complaints concerning refusal of a request for access to records regarding the activities of an authorized psychologist working in the health services may be directed to the National Health Service's Patients' Appeals Board.

Outside the health services complaints concerning any such refusal may be directed to the competent authorities within the authorized psychologist's field of activity relating to the issue in question.

Section 15.

(Rules regarding advertising are now regulated by Act No 463 of June 10, 1997: The Advertising of Health Services.)

Section 16.

Authorized psychologists shall show concern and impartiality when drawing up statements and certificates, when this is done in their capacity of authorized psychologists.

PART III AUTHORIZATION AND SUPERVISORY AUTHORITY ETC.

Section 17.

The Minister for Social Affairs shall set up a Board of Psychological Practice which shall have the authority to grant authorizations and to supervise authorized psychologists. The board shall have as members:

- 1) One member appointed by the Minister for Social Affairs.
- 2) One member appointed on the recommendation of the Minister of Health.
- 3) One member appointed on recommendation by the Minister of Education.
- 4) One member appointed on the recommendation of the Danish National Association of Local Authorities.
- 5) One member appointed on the recommendation of the Danish National Association of Country Councils.
- 6) One member appointed on the recommendation of the City Corporations of Copenhagen and Frederiksberg.
- 7) One member appointed on the recommendation of the Danish Council of Organisations of Disabled People, and

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- 8) Two members appointed on the recommendation of the Danish Association of Psychologists.

A substitute shall be appointed along the same lines for each member of the Board.

subsection 2.

The Minister for Social Affairs shall appoint the chairman and the vice-chairman from among the members of the Board.

subsection 3.

The members of the Danish Supervisory Board of Psychological Practice shall be appointed for a period of 4 years. Where an appointment takes place during the course of the 4 year period, it shall only apply until the end of the period.

For members of the Board, who do not carry out this task as a part of their official duties, remuneration and the refunding of costs resulting from transportation to and from meetings shall be effected in accordance with the payment rates which apply for public servants who receive special remuneration. All expenses shall be borne by the Danish Treasury.

subsection 4.

The Danish Supervisory Board of Psychological Practice shall grant authorization as described in section 2 and in subsection 2 of section 19 of this act, and shall supervise all authorized psychologists.

subsection 5.

Following recommendations submitted by the Danish Supervisory Board of Psychological Practice the Minister for Social Affairs shall lay down rules of procedure for the Board, and hereunder rules to the effect that the Board may use expert assistance, and that cases laid before the Board may be decided by written vote. Furthermore the Minister for Social Affairs shall lay down rules to the effect that cases, in which there are no grounds to doubt the outcome, can be referred to the chairman's decision.

subsection 6.

Decisions made by the Danish Supervisory Board of Psychological Practice can not be brought before any other administrative authority.

Section 18.

Upon the request of the Danish Supervisory Board of Psychological Practice authorized psychologists are obliged to submit any information necessary for the Board's fulfilment of its duties regarding supervision.

subsection 2.

Issues concerning practices which can result in criticism or other sanctions, carried out by authorized psychologists working within the healthcare system, shall be referred by the Danish Supervisory Board of Psychological Practice to the National Health Service's Patients' Appeals Board.

PART IV MISCELLANEOUS

Section 19.

The Minister for Social Affairs may lay down any rules for psychologists' practice in Denmark which are deemed necessary for the implementation of the Nordic Agreement on a Common Labour Market for psychologists, or directives adopted by the European Union.

subsection 2.

The Danish Supervisory Board of Psychological Practice may grant authorization for psychologists to persons who outside Denmark have followed courses of education which are found to be equivalent to the types of education referred to under subsection 1 of section 2.

Section 20.

Authorization as a psychologist in Denmark, granted on the basis of an authorization from another country, may be withdrawn, if the authorization granted in said country is annulled or for any reason is declared invalid.

Section 21.

Only a person who has graduated with a degree in psychology from a university or other institution of higher education, or who has a similar degree, is entitled to call himself/herself a psychologist.

PART V PENALTY

Section 22.

An authorized psychologist who is found guilty of gross or repeated negligence or of carelessness while carrying out his or her functions shall be liable to a fine or to mitigated imprisonment.

Section 23.

Violation of section 1, sections 14-16 or of section 21 shall be subject to fines.

subsection 2.

Regulations drawn up in the pursuance of this present act may lay down the penalties of fines to be levied in the event of violations of this act.

PART VI TRANSITIONAL AND OPERATIONAL PROVISION ETC.

Section 24.

The following amendments shall be made to Act No. 397 of June 10, 1987 regarding the central administration etc of the National Health Services, as amended latest by Act No. 369 of June 6, 1991:

1. Subsection 1 of section 4 shall read as follows:

“The National Board of Health shall supervise all functions relating to health services. This shall, however, not apply to the practices carried out by authorized psychologists. The National Health Board shall furthermore supervise directors of nursing homes and like institutions to which a general practitioner is not attached on a permanent basis.”

2. In section 19, after subsection 2, the following shall be inserted as a new subsection

“Subsection 3.

In matters concerning practices carried out by authorized psychologists within the national health services the National Health Service’s Patients’ Appeals Board shall however hear the Danish Supervisory Board of Psychological Practice before making any decision in the case.”

Section 25.

The act shall enter into operation as of January 1, 1994.

Section 26.

A person, who within a ten year period immediately preceding the enactment of “The Act on the Rights, Duties etc of Psychologists” has practiced as a psychologist, on a basis equivalent to full time employment for a minimum of two years, and has been trained to a degree equivalent to the conditions on authorization laid down by the Danish Association of Psychologists in 1990, or who complies with the demands made by The Ministry of Education concerning the acknowledgement of post-graduate education of clinical psychologists in primary and lower secondary schools, shall be entitled to an authorization as a psychologist, see subsection 3 of section 2 above.

subsection 2.

Application for authorization in pursuance of subsection 1 must be submitted to the Danish Supervisory Board of Psychological Practice within a period of six months after the enactment of “The Act on the Rights, Duties etc of Psychologists”. Where special circumstances apply the Board may grant exemption with regard to later submitment.

Section 27.

“The Act on the Rights, Duties etc of Psychologists” shall not apply to the Faeroe Islands nor to Greenland, but may be made operational for the Faeroe Islands by Royal Decree, subject to deviations necessary as a consequence of specific conditions on the Faeroe Islands.

