

LAW ON PERFORMANCE OF PSYCHOLOGICAL ACTIVITY

CONSOLIDATED TEXT **1**

I. GENERAL PROVISIONS

Article 1

This Law shall regulate the performance of the psychological activity, the organization and the supervisions over the performance of the psychological activity.

Article 2

The psychological activity shall be a sum of expert procedures, measures and means based on the principles of the psychological science and practice and shall include:

- psychological diagnostics or determination of the mental and psychomotor features and potentials of individuals, groups and organizations for the purpose of explaining and foreseeing their behavior, as well as finding the reasons for the inefficiency and impairments, as well as planning and implementing the psychological treatments;
- psychotherapeutic treatment for development of the potentials of the individual, as well as elimination of different obstacles in the mental functioning, for the purpose of integrative functioning of the completeness of the personality;
- psychological treatment and counseling work or procedures for protection, maintenance and improvement of the mental health of individuals and groups, improvement of the life and work quality, optimal use of the personal potential and improvement of the total and organizational efficiency;
- educational activities which involve training individuals and groups for the purpose of mastering the general and specific psychological knowledge and skills, due to improvement of the personal efficiency and the efficiency in the work with people;
- psychological expert researches for the purpose of deepening the knowledge for the lawfulness of the psychical and the psychosocial acting, as well as an assessment of the social needs and consequences from the economic and social initiatives and
- psychological evaluation or all the psychological and other procedures and treatments that refer to an individual, group or organization and that may have mental or psychosocial consequences.

II. CONDITIONS FOR PERFORMANCE OF THE PSYCHOLOGICAL ACTIVITY

Article 3

Psychological activity as a profession can be performed only by psychologists.

A psychologist shall be a person who holds a university degree from the Faculty of Psychology.

The psychological activity referred to in Article 2 of this Law can be performed by psychologists on the basis of a general and specific license which on their request shall be issued by the Chamber of Psychologists of Macedonia (hereinafter: Chamber).

The content of the license Form shall be prescribed by the Chamber.

The general license shall be issued to the psychologist after passing the expert examination which shall be taken before a competent body of the Chamber and according to a program prescribed by the Chamber.

Article 4

Regarding the performance of the psychological activity which shall cover more specific expert forms of work in the field of the clinical, health, penological, forensic, military, pedagogical and school psychology, as well as the psychology of labor, sport, social cares, professional orientation and labor medicine, the psychologist besides the general has to have specific license or a license for specialized activity.

The specific license shall be obtained on the basis of completed appropriate training in an institution with an appropriate program prescribed by the Chamber.

The conditions and criteria for issuing and renewing the general, the specific or the license for specialized activity, as well as the activities for which a license is necessary shall be prescribed by the Chamber.

Article 5

The general and specific license shall be issued for a period of seven years and shall be renewed on a request of the psychologist by submitting evidence for the professional training during the past period.

The Chamber can revoke the general or specific license from the psychologist in cases when:

- in the prescribed time limit (s)he has not renewed the license;
- (s)he infringes the provisions of this Law;
- (s)he infringes the code of the psychological ethic;
- (s)he performs the psychological activity unprofessionally due to ignorance or negligence and when
- in the performance of the psychological activity (s)he has committed a crime for which by legally valid verdict (s)he has been imposed imprisonment of more than six months.

Article 6

(1) A decision on issuance, renewal and revocation of a license shall be adopted by the Chamber.

(2) The Chamber of Psychologists of the Republic of Macedonia, within a period of 15 days as of the day of submission of the request shall adopt a decision on issuance, renewal and revocation of the license for performance of psychological activity.

(3) If the competent body appointed by the Chamber of Psychologists of the Republic of Macedonia does not adopt a decision for issuance, renewal and revocation of the license for performance of psychological activity in the time period determined in paragraph (2) of this Article, within a period of three working days the submitter of the request shall have right to submit a request to the filing office of the Chamber of Psychologists of the Republic of Macedonia in order to adopt a decision upon the submitted request.

(4) The form and content of the request referred to in paragraph (3) of this Article shall be prescribed by the Minister of Justice.

(5) The submitter of the request for issuance, renewal and revocation of the license shall also attach a copy of the request referred to in paragraph (2) of this Article.

(6) The President of the Chamber of Psychologists of the Republic of Macedonia shall be obliged, within a period of five working days as of the day of receipt of the request referred to in paragraph (3) of this Article in the filing office of the Chamber of Psychologists of the Republic of Macedonia, to adopt a decision for accepting or rejecting the request for issuance, renewal and revocation of the license.

(7) If the President of the Chamber of Psychologists of the Republic of Macedonia does not adopt a decision in the time period referred to in paragraph (6) of this Article, the submitter of the request may notify the State Administrative Inspectorate within a period of five working days.

(8) The State Administrative Inspectorate shall be obliged, within a period of ten days as of the day of receipt of the notification referred to in paragraph (7) of this Article, to conduct supervision in the Chamber of Psychologists of the Republic of Macedonia to inspect whether the procedure in accordance with law has been conducted, and to notify the submitter of the request about the measures undertaken within a period of three working days as of the day the supervision has been conducted.

(9) Upon the supervision completed in accordance with law, the inspector of the State Administration Inspectorate shall adopt a decision obliging the President of the Chamber of Psychologists of the Republic of Macedonia, within a period of ten days, to decide upon the submitted request, that is to accept or reject the request and to notify the inspector about the adopted act. Copy of the act deciding upon the request shall be attached to the notification.

(10) If the President of the Chamber of Psychologists of the Republic of Macedonia does not decide within the time period referred to in paragraph (9) of this Article, the inspector shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection and shall define additional time period of five working days during which the President of the Chamber of Psychologists of the Republic of Macedonia is to decide upon the submitted request and within the same time period notify the inspector for the adopted act. Copy of the act deciding upon the submitted request shall be attached to the notification. The inspector shall inform the submitter of the request about the measures undertaken within a period of three working days.

(11) If the President of the Chamber of Psychologists of the Republic of Macedonia does not decide even in the additional time period referred to in paragraph (10) of this Article, the inspector, within a period of three working days, shall file a report to the competent public prosecutor and, in the same period, shall inform the submitter of the request in regard to the measures undertaken.

(12) If the inspector does not act upon the notification referred to in paragraph (9) of this Article, the submitter of the request shall have right to file a complaint to the filing office of the Director of the State Administrative Inspectorate within a period of five working days. If the Director does not have a filing office, the complaint shall be submitted to the filing office in the head office of the State Administrative Inspectorate.

(13) The Director of the State Administrative Inspectorate shall be obliged to review the objection referred to in paragraph (12) of this Article within a period of three working days and, if he/she establishes that the inspector has not acted upon the notification from the submitter of the request referred to in paragraphs (8) and (9) of this Article and/or has not filed a report in accordance with paragraphs (10) and (11) of this Article, the Director of the State Administrative Inspection shall file a motion for initiation of a misdemeanor procedure for a misdemeanor specified in the Law on Administrative Inspection for the inspector and shall define additional time period of five working days during which the inspector shall conduct supervision in the Chamber of Psychologists of the Republic of Macedonia to inspect whether the procedure in accordance with law has been conducted and shall notify the submitter of the request about the measures undertaken within a period of three working days as of the supervision.

(14) If the inspector does not act even in the additional time period referred to in paragraph (13) of this Article, the Director of the State Administrative Inspectorate shall file a report to the competent

public prosecutor against the inspector, and shall inform the submitter of the request about the measures undertaken within a period of three working days.

(15) In the case referred to in paragraph (14) of this Article, the Director of the State Administrative Inspectorate shall immediately, and in a period of one working day at the latest, authorize another inspector to conduct the supervision immediately.

(16) In the case referred to in paragraph (15) of this Article, the Director of the State Administrative Inspectorate shall inform the submitter of the request about the measures undertaken within a period of three working days.

(17) If the Director of the State Administrative Inspectorate does not act in accordance with paragraph (13) of this Article, the submitter of the request may file a report to the competent public prosecutor within a period of eight working days.

(18) If the President of the Chamber of Psychologists of the Republic of Macedonia does not decide in the time period referred to in paragraph (11) of this Article, the submitter of the request may initiate an administrative dispute with the competent court.

(19) The procedure with the Administrative Court shall be urgent.

(20) The psychologist shall have the right to lodge a complaint against the decision referred to in paragraph 1 of this Article to the competent court.

(21) The complaint shall postpone the enforcement of the decision.

III. PERFORMANCE OF THE PSYCHOLOGICAL ACTIVITY

Article 7

The psychologist can perform psychological activity in private practice or on the basis of an agreement with other legal entities.

The psychological activity in private practice may be performed by several psychologists (group private practice), which shall be registered in the competent court.

Article 8

The psychologist may perform the private practice under the following conditions:

- if (s)he has appropriate license;
- if (s)he has an appropriate premise and equipment and
- if (s)he has legal capacity.

A request for performing private practice shall be submitted to the Chamber which shall issue a decision on approving the work, should it determine that the conditions referred to in paragraph 1 of this Article are fulfilled.

Article 9

The Chamber shall keep a register of psychologists who perform private practice.

The content and the manner of keeping the register referred to in paragraph 1 of this Article shall be prescribed by the Chamber.

Article 10

The right to performance of private practice shall cease:

- by signing off;
- by force of law and
- by decision adopted by the Chamber.

A decision on cessation of the approval for performance of the private practice shall be adopted by the Chamber.

Article 11

The psychologists who perform private practice may temporarily terminate their work due to illness, military obligation or other justified reason prescribed by this Law or the acts of the Chamber.

The duration of the license shall be continued for the time during which the justified termination of the work has lasted.

The Chamber has to be notified regarding the temporary termination of the work.

Article 12

The approval for performing private practice shall cease by force of law if the psychologist:

- dies;
- completely or partially loses the business capacity and
- has been convicted by legally valid court verdict for an act committed in that activity or in relation to that activity.

Article 13

A complaint against the decision on issuing i.e. on cessation of the approval for performing private practice shall be lodged to a competent court.

The complaint shall postpone the enforcement of the decision.

Article 14

The Chamber shall determine a pricelist for providing psychological services in the private practice.

Article 15

When performing the psychological activity, the psychologist shall be obliged to work in accordance with the Code of ethics of the psychological activity.

Article 16

The user of the psychological services shall have the right to be acquainted with the results from the assessment of his/her mental condition in accordance with the code of ethics of the psychological activity.

Article 17

The psychologist shall be obliged to keep the data on the mental and health condition of the user of the psychological services, as well as the reasons, circumstances and consequences deriving from that condition as a professional secret.

The other persons to whom the data referred to in paragraph 1 of this Article are also available within their activity, shall be obliged to keep them as a professional secret.

Article 18

The psychologist may notify the experts of the data being considered professional secret, who need those data for the user's or for general benefit, stating therefore that those data are protected by law.

For the purpose of protecting the rights of the users of the psychological services, the Chamber in its regulations shall determine to which experts, in what procedure and in what form the professional secret data may be disclosed.

Article 19

The psychologist by private practice and the employer of the psychologist on the basis of a work agreement shall be obliged to provide appropriate conditions for keeping and protecting the psycho-diagnostic means, documents and data which are professional secret determined by the regulations of the Chamber.

Article 20

The psychologists in the performance of the psychological activity may use psychological tests, measure instruments prescribed by the Chamber as psychological measure instruments (hereinafter: psycho-diagnostic means).

The Chamber shall determine a regulation of the specially protected psycho-diagnostic means. The specially protected psycho-diagnostic means cannot be reflected completely or in parts, and in any manner to be given for inspection to unauthorized persons. This obligation shall refer to the psychologists, issuers and distributors of the psycho-diagnostic means, the users of the psycho-diagnostic means, the assisting personnel, the users of the psychological services and all the other participants in the psycho-diagnostic process.

The psycho-diagnostic means shall be used in accordance with the standards for psychological testing prescribed by the Chamber. The psychologists shall be free in their selection of psycho-diagnostic means and in the application of the psychological methods and techniques in the work, unless they are determined by a regulation.

IV. CHAMBER OF PSYCHOLOGISTS OF MACEDONIA

Article 21

The psychologists in the Republic of Macedonia shall found a Chamber of Psychologists of Macedonia.

The Chamber shall be an autonomous, expert and independent organization with the capacity of a legal entity.

The psychologists who perform psychological activity have to become members of the Chamber.

The head office of the Chamber shall be in Skopje.

The Chamber shall have its own coat of arms, seal and stamp.

Article 22

The Chamber shall perform the following activities:

- adopt a decision on issuing, renewing and revoking the general and specific license;
- adopt a decision on issuing and terminating the approval for performing private practice;
- keep register of psychologists who perform private practice, as well as other records;
- represent the members of the Chamber in the protection of their professional interests;
- participate in the determination and verification of programs for expert improvement training of the psychologists;
- stimulate and organize the expert improvement training of the members of the Chamber;
- give an expert opinion in relation to the preparation of the regulations which refer to the psychological activity;
- determine standards, norms and pricelist of the services in the private practice;
- determine regulations of the psycho-diagnostic means and standards for their use, undertake measures for protection from their unauthorized processing, distribution and application;
- expert supervision over the performance of the private activity;
- supervise the implementation of the professional psychological ethics and decide upon complaints;
- cooperate with other expert associations, with appropriate expert and scientific institutions in the state and abroad;
- cooperate with state bodies and bodies of the local self-government units when deciding on issues important for realizing the psychological activity and propose measures for improvement of the psychological activity for the purpose of protecting the mental health of the citizens and
- perform other works determined by this Law, the Statute and the other regulations of the Chamber.

Article 23

The Chamber shall have an Assembly, Managing Board, Supervisory Board and other bodies determined by the Statute.

Article 24

The Assembly of the Chamber shall adopt a Statute of the Chamber.

The Statute shall regulate the organization, competence, composition, manner of selection and deciding of the bodies of the Chamber, the rights and obligations of its members, as well as other issues important for the psychological activity.

Article 25

The Assembly of the Chamber shall adopt a code of ethics of the psychological activity.

The code of ethics of the psychological activity shall determine principles and rules which the psychologists and the probationary psychologists are obliged to obey while performing the psychological activity.

The code of ethics of the psychological activity shall be published in the "Official Gazette of the Republic of Macedonia".

Article 26

The Chamber shall keep a directory of the psychologists and the probationary psychologists, performers of group psychological practice, as well as other records determined by this Law and the Statute.

The directories and the records referred to in paragraph 1 of this Article shall be public books. Excerpts from the directory and the other records kept by the Chamber, as well as the confirmations issued on the basis of the data deriving from those records shall be public documents.

Article 27

The psychologist and the probationary psychologist who perform psychological activity shall be obliged to pay the membership fee duly and to pay the other obligations towards the Chamber.

The amount of the membership fee shall be determined by a decision of the Assembly of the Chamber.

V. PROBATIONARY PSYCHOLOGISTS

Article 28

The right to performing probationary length of service shall be acquired by registering in the directory of probationary psychologists. A person who shall fulfill the conditions referred to in Article 3 of this Law shall have the right to be registered in the directory of probationary psychologists.

Article 29

The probationary psychologist cannot independently and on his/her own account perform psychological activities.

The probationary psychologist shall be obliged to work according the guidelines of the psychologist where (s)he performs the probationary length of service.

Article 30

The Chamber, the psychologists and the offices of the group private practice, shall be obliged to take care of the expert and practical training of the probationary psychologists, as well as for respecting all the rules prescribed by the code of ethics of the psychological activity.

After the expiry of the training program which lasts one year, the probationary psychologist shall have an obligation to take an expert examination.

The expert examination shall be taken in the presence of a commission formed by the Chamber.

Article 31

The probationary psychologist's right to performing psychological practice shall terminate and (s)he shall be deleted from the directory of probationary psychologists if, within three years from the

acquisition of the right to taking the expert examination, (s)he does not pass that examination or if, without justified reason within two years, (s)he does not ask for a registration in the directory of psychologists, after acquiring the conditions thereof.

Article 32

The provisions of this Law for registration in the directory of psychologists, for keeping the psychological secret, for acquiring and terminating of the right to performance of psychological activity, as well as other provisions which regulate the position of the psychologists shall be appropriately applied to the probationary psychologists, unless otherwise regulated by this Law.

The detailed provisions regarding the procedure for registration, temporary termination and cessation of the training, as well as for performance of the training shall be determined by the Statute and by the other regulations of the Chamber.

VI. DISCIPLINARY LIABILITY OF THE PSYCHOLOGISTS AND PROBATIONARY PSYCHOLOGISTS

Article 33

The psychologist and the probationary psychologist shall be disciplinary liable if they:

- infringe the provisions of this Law;
- infringe the code of psychological ethics;
- perform psychological activity unprofessionally, due to ignorance or negligence;
- in the performance of their activity commit a crime for which imprisonment has been imposed to them;
- by his/her behavior towards the user of the psychological services, towards other psychologist, third parties or social community infringe the reputation of the psychologist;
- do not fulfill the obligations towards the Chamber or misbehave towards it and
- do not keep the prescribed documentation duly.

Article 34

The psychologists and the psychologists probationers shall be accountable for serious and less serious infringements of the duty and the reputation of the psychological activity before the bodies of the Chamber, determined by the Statute.

Article 35

The Statute of the Chamber shall determine what is considered as graver and less grave infringement of the duty, reputation and the code of psychological ethics.

Article 36

Regarding less grave infringement of the duty and reputation of the psychological activity, the psychologist may be imposed an admonition or fine, and the probationary psychologist an admonition.

Regarding a more grave infringement of the duty and reputation of the psychological activity, the psychologist may be imposed the following measures:

- admonition;
- public admonition;
- fine;
- temporary revocation of the approval for performing psychological activity of one month to one year;
- permanent revocation of the license for performing psychological activity and
- losing the right to performing psychological activity from six months to three years.

Regarding a more grave infringement of the duty and reputation of the psychological activity, the probationary psychologist can be imposed the following measures:

- admonition and
- deletion from the directory of probationary psychologists for a period of six months to three years.

The enforcement of the measure-loss of the right to performance of psychological activity for a certain period of time, i.e. the measure deletion from the directory of probationary psychologists for a certain period of time, may be conditioned for a period of six months to two years.

Article 37

The disciplinary procedure shall be regulated by the Statute of the Chamber.

The disciplinary procedure shall be initiated by a disciplinary body determined by the Statute ex officio or on a request of a body of the Chamber, determined by the Statute.

Article 38

The legally valid decisions of the disciplinary bodies of the Chamber, which impose fines, shall be executive documents and the Chamber shall be authorized to ask for their coercive enforcement.

Article 39

A complaint can be lodged to competent court against second instance decision, which imposes a disciplinary measure-loss of the right to performance of psychological activity, for a period of six months to three years, or deletion from the directory of probationary psychologists from six months to three years.

Article 40

Graver infringement of the duty and the reputation of the psychological activity shall become time barred after two years, and the less grave infringements after six months from the day of the performance of the infringement.

The enforcement of the disciplinary measure shall become time barred for six months from the day the decision imposing the measure becomes legally valid, i.e. from the day of expiry of the deadline for which the enforcement of the disciplinary measure has been postponed.

VII. SUPERVISION OVER THE PSYCHOLOGICAL ACTIVITY

Article 41

An expert supervision over the work of the psychologist, who performs psychological activity in private practice and at private employer, shall be performed by the Chamber.

The expert supervision shall include the assessment of the expertness and ethics in the performance of the activities of the psychologist, as well as the quality and the scope of the provided services.

The Chamber shall be obliged to perform an expert supervision on a proposal of a natural person or a legal entity when there are justified reasons to do so.

The manner, conditions and circumstances under which the expert supervision is performed shall be determined by the Chamber.

Article 42

The expert supervision over the work of the psychologist who performs psychological activity in institutions with public authorizations, in courts, in state administration bodies, in the police, defense, education, as well as in the local self-government bodies, shall be performed by the competent ministries.

Expert supervision over the work of the psychologist shall be performed by a body in whose work it is mandatory for a psychologist who has a license for appropriate field of the psychologist activity, to participate.

The manner and the conditions under which the expert supervision is performed shall be prescribed by the competent ministries.

Article 43

The Chamber shall submit a notification for the performed expert supervision, referred to in Article 41 of this Law, which includes a request and determination of a deadline to eliminate the confirmed lacks, within a period of 30 days, to:

- the natural person or legal entity on whose initiative the supervision has been performed;
- the psychologist over whose work the supervision has been performed and
- the managing body of the legal entity where the psychologist is employed by an agreement.

Article 44

On the basis of the report for the conducted expert supervision over the work of the psychologist, in accordance with its regulations, the Chamber can:

- prohibit performance of those psychological activities where irregularities have been confirmed, until those irregularities are not eliminated;
- revoke the license for performance of the psychological activity temporarily or permanently and
- determine an obligation for additional expert improvement training of the psychologist where insufficient expert training has been confirmed.

Complaint can be lodged to a competent court against the decision adopted on the basis of this Article.

VIII. PENALTY PROVISION

Article 45

For the performance of a psychological activity against the provisions referred to in Articles 3, 15, 17, 18, 19 and 20 of this Law, the natural person shall be fined to 1.000 to 50.000 Denars for a misdemeanor and the legal entity shall be fined to 10.000 to 300.000 Denars.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 46

The Chamber shall be founded one year from the day this Law enters into force.

Article 47

The psychologists, who on the day of the foundation of the Chamber have at least one year length of service in the performance of psychological activity, shall be freed from the probationary length of service. They shall be obliged within two years from the day of the foundation of the Chamber to pass an expert examination before the appropriate body of the Chamber and may ask for a license.

The psychologists, who on the day of the foundation of the Chamber have at least five years length of service in the performance of the psychological activity, shall be freed from passing an expert examination and may ask for an approval.

The psychologists who on the day of the establishment of the Chamber have less than one year length of service in the performance of psychological activity, shall be obliged within two years to complete the probationary length of service, to pass the expert examination and ask for an approval. The time which they have spent in the performance of the psychological activity before the foundation of the Chamber can be recognized as probationary length of service.

The psychologists who on the day of the foundation of the Chamber perform the activities referred to in Article 4 paragraph 1 of this Law shall acquire the right to specific license.

Article 48

This Law shall enter into force on the eighth day of its publication in the "Official Gazette of the Republic of Macedonia", and shall be applied after 30 days from the day of the foundation of the Chamber of Psychologists of Macedonia.

PROVISION OF OTHER LAW

Law Amending the Law on Performance of Psychological Activity ("Official Gazette of the Republic of Macedonia" no. 135/2011):

Article 2

The bylaw referred to in Article 1 paragraph (4) of this Law shall be adopted within a period of 30 days as of the day of entry into force of this Law.

As of the adoption of the bylaw referred to in paragraph 1 of this Article, it shall be published on the web site of the Ministry of Justice forthwith, or in a period of 24 hours at the latest