

REPUBLIC OF ALBANIA  
ASSEMBLY

LAW  
no. 40/2016

ON THE PSYCHOLOGIST ORDER IN THE REPUBLIC OF ALBANIA

Pursuant to articles 78 and 83, paragraph 1 of the Constitution, upon the proposal of the Council of Ministers,

ASSEMBLY  
OF THE REPUBLIC OF ALBANIA  
DECIDED:

CHAPTER I  
GENERAL PROVISIONS

Article 1

Scope

The scope of this law is to define rules on the organization of the Psychologist Order activity, as well as ethical-professional and legal relations of the psychologists.

Article 2

Purpose

The purpose of this law is to define the criteria for practicing the profession of psychologist, to guarantee ethical and professional standards in the exercise of this profession, for the protection of public interest, abiding by the principle of autonomy of the profession of psychologist.

Article 3

Scope of application

This law applies to all psychologists, who practice their profession in the Republic of Albania in the public or private system.

Article 4

Definitions

In this law the following terms shall be ascribed the following meanings:

1. "Psychologist" is a regulated profession practiced in the field of psychology based on practice, such as psychological support, diagnosis, psychological counseling, assessment, psychotherapy,

expertise, training, career counseling and work at institutions and organizations.

2. "Professional Practice" is the exercise of the profession as a psychologist under the professional supervision of qualified psychologists as supervisors of professional practice.

## Article 5

### Status

The Psychologist Order in the Republic of Albania, hereinafter referred to as the Psychologist Order, is a non-governmental, professional, independent public entity, which represents and protects common interests of the members of the Order and regulates the activities and relations between them in support of the public.

## CHAPTER II

### MISSION

## Article 6

### Mission

1. The mission of the Psychologist Order is to promote and maintain high standards in the formation and exercise of the profession in the field of psychology, as well as to protect the beneficiaries of the service by misusing the profession of psychologist.

2. In order to accomplish its mission, the Psychologist Order shall exercise the following competencies:

- a) grants and waives the right to practice the profession of psychologist;
  - b) maintains the Basic Register of Psychologist Order Orders and manages its administration and updating system;
  - c) promotes the achievement of high standards in the professional and ethical education and training of the members of the Order;
  - ç) sets ethical and deontological standards, mandatory for each psychologist, and monitors their implementation during the exercise of the profession;
  - d) protects the rights of members of the Order, their moral and professional integrity and the profession of the psychologist;
  - dh) encourages and assists in taking measures to improve the service provided by the practitioners and protection of the recipient of the service from misusing the profession;
  - e) cooperates with the responsible institutions, according to the legislation in force, other scientific and educational institutions, to ensure standards in continuous education, postgraduate qualifications and postgraduate specializations of the Order;
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- ë) informs the public, via the Order's website, about all acts approved by the Order bodies defined in the present law.

## CHAPTER III

### MEMBERSHIP REQUIREMENTS

#### Article 7

##### Membership requirements

1. None can pursue the profession of psychologist in the public or private system in the Republic of Albania, without being a member of the Psychologist Order and without being licensed for the individual exercise of the profession issued by that body.
2. The members of the Psychologist Order in the Republic of Albania shall fulfill the following requirements:
  - a) be Albanian citizens;
  - b) have a “Bachelor” and “Master of Science” or “Professional Master” degree in psychology or equivalent thereof, according to the legislation in force for higher education, issued by the institution of higher education, at home or abroad, recognized by the ministry responsible for education;
  - c) to pledge in writing that they will comply with the requirements of the legislation in force, statute and Code of Ethics and Deontology;
  - ç) not be sentenced by a final court decision for the commission of a criminal offense related to the exercise of the profession at the time of the request for membership.

#### Article 8

##### Membership requirements for foreign citizens

1. For the exercise of the profession of psychologist in the Republic of Albania, a foreign citizen shall firstly become a member of the Psychologist Order of the Republic of Albania. Any psychologist, a foreign citizen, resident in Albania or affiliated to an institution where he or she appears periodically, for the exercise of the profession, shall also have the following documents:
  - a) residence and work permit in the Republic of Albania;
  - b) a Good Standing Certificate from the Order /Chamber or Association of Psychologists in Albania, recognized by Albania, where it is established that he/she is registered, exercising the profession and has not been subject to any sanctions;
  - c) recognition of diploma and certificates of specialization by the competent body conducted by him / her;
  - ç) a recommendation from a local expert of the same field, member of the Psychologist Order;
  - d) certificate of Albanian language, attested by a state licensed authority.
2. A binding requirement for a foreign psychologist who does not know Albanian language, is to work with an interpreter.

## CHAPTER IV

### RIGHTS AND OBLIGATIONS OF THE ORDER MEMBERS

#### Article 9

##### Rights of the Psychologist Order member

A member of the Psychologist Order is entitled to:

- a) practice the profession according to the title specified in the “Master of Science” and/or “Professional Master” diploma;
- b) to appeal to the Order’s bodies against any subjects/entities that violates the right and opportunity to practice the profession freely and independently;
- c) to participate in the review by the Order bodies, in respect of issues related to the practice of profession by him;
- ç) to seek favorable conditions for the normal exercise of profession, continuous education and career advancement;
- d) to seek special protection in case of danger while practicing the profession or in cases of risk to life against third parties.

#### Article 10

##### Obligations of the Order members

The member of the Psychologist Order has the following obligations:

- a) to practice the profession and have professional behaviors compliant with the Code of Ethics and Deontology;
- b) to work for the enhancement of professional standards and of service quality in the field of psychology at the institution where he/she works and to regularly participate in the programs of continuous education;
- c) to regularly pay membership fees, registration fees, tariff on the entitlement to practice the profession and other administrative services defined by virtue of the decision of the National Council of the Psychologist Order.

## CHAPTER V

### MEMBERSHIP TERMINATION

#### Article 11

##### Termination of membership

1. The membership of the member of the Psychologist Order shall be terminated in the following cases:

- a) when he/she dies;

b) is revoked the individual license of exercising the profession, by virtue of a final disciplinary decision by the bodies of the Order or court;

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c) is serving a criminal sentence of imprisonment;

ç) does not pay quotations in accordance with the terms set by the Order National Council and does not abide by the stipulated deadlines, without justifiable grounds.

2. The decision on termination of membership shall be officially notified, within 5 days, to the person and institution where he/she has exercised the profession as a psychologist.

3. The procedure of membership and termination of membership shall be set out in the Psychologist Order, which is approved by the National Council.

## CHAPTER VI COOPERATION

### Article 12

#### Cooperation

1. The Psychologist Order, in the performance of its duties, shall maintain continuous contacts with the ministries responsible for social affairs, education, health, justice, internal affairs, protection and their subordinate institutions, independent institutions and other public or private bodies set up under legislation in force.

2. The Psychologist Order shall inform every six months the Ministries referred to in paragraph 1 of this Article, according to their area of responsibility, regarding the membership of psychologists, disciplinary judgments and their progress at all levels of professional judgment.

3. The inspectorates in the field of state responsibility of the ministries mentioned in paragraph 1 of this article shall cooperate with the Psychologist Order in the exercise of its function.

4. The Ministries referred to in paragraph 1 of this article shall cooperate with the Order for the drafting of legal acts and bylaws, as well as key documents in the field of psycho-social services.

## CHAPTER VII BUDGET

### Article 13

#### Budget

1. The Psychologist Order has its own budget, which is approved and administered by the National Council, in accordance with the financial rules in force and with the internal regulation on the financial activity of the Order, approved by this council.

2. The Financial Resources of the Psychologist Order are as follows:

a) quotations of members, the amount of which is determined by virtue of a decision of the National Council and which are mandatory for each member;

- b) fees set for the acts and documents issued by the Psychologist Order by virtue of a decision of the National Council;
  - c) various donations and other lawful income.
3. The Psychologist Order shall use the income earned to meet its goals and objectives in accordance with this law and the statute.

## CHAPTER VIII

### ORGANIZATION AND MANAGEMENT

#### Article 14

##### Main bodies

The main bodies of the Order are the following:

- a) National Assembly;
- b) National Council;
- c) President of the Order;
- ç) Ethics Commission of the Professional Disciplinary Judgment.

#### Article 15

##### National Assembly

1. National Assembly is the highest level management body of the Order and consists of all members of the Order.

2. The National Assembly Meeting shall be convened by:

- a) President of the Order;
- b) if requested from 1/3 of all members of the assembly.

3. The National Assembly has the following functions/duties:

- a) elects the National Council and President of the Order, by secret ballot and with simple majority of all its members;
- b) approves the Order statute;
- c) approves the Code of Ethics and Deontology;
- ç) approves the regulation for professional disciplinary judgment;
- d) approves the regulation for registration, membership and licensing;
- dh) approves the regulation for the organization of professional practice;
- e) reviews and approves the Order's draft budget and reviews its factual budget;
- ë) analyses the annual activity of the Order bodies;
- f) examines the external audit report within three-year intervals.

#### Article 16

##### National Council

1. The National Council of the Order is the executive body of the Order, which consists of 17 members. The National Council members are as follows:

- a) The President of the Order;
  - b) one representative of ministries responsible for education, health, justice, defense and social affairs;
  - c) three lecturers of psychology, with scientific degree of Professor, Associate Professor and Doctor of Science, working at institutions of higher education, from public and private universities;
  - ç) seven psychologists working at schools, hospitals, prisons, community institutions, courts, private offices or agencies, residential institutions and subordinate institutions;
  - d) a member of the Psychologist Associations.
2. The National Council has the following responsibilities:
- a) approves its organizational structure;
  - b) sets quotations and fees;
  - c) administers movable and immovable property of the Order at national level;
  - ç) oversees the entire activity of its subordinate bodies;
  - d) drafts the statute, regulations of the Order and the Code of Ethics and Deontology and proposes them for approval to the National Assembly;
  - dh) maintains and updates the Register of the Psychologist Order;
  - e) sets up ad hoc working groups for conducting the examinations for the exercise of the profession of psychologist;
  - ë) prepares and publishes the annual and financial report.
3. Elections for the National Council shall be held every 4 years.

## Article 17

### Requirements for membership in the National Council

1. A member of the National Council shall meet the following requirements:
  - a) to be an Albanian citizen with permanent residence in Albania;
  - b) to be a member of the Psychologist Order;
  - c) have experience of not less than 5 years in the exercise of the psychologist profession;
  - ç) be not subject to any disciplinary measures in the last 5 years and bear no previous criminal records.
2. The members of the National Council shall have the right to re-election only once.

## Article 18

### President of the Order

1. The President of the Order shall be elected by secret ballot by the National Assembly.
2. The term of office of the Present shall be 4 years, with a right to renewal only once.
3. The candidates running for President of the Psychologist Order shall meet the following requirements:

- a) shall not exceed the age of retirement at the time of election;
- b) shall have no less than 5 years of experience in profession;
- c) shall have experience and credible data for communication, organization and management skills;
- ç) shall not be subject to disciplinary measures during last 5 years;
- d) shall have ethical-moral and professional prestige and reputation;
- dh) shall have made scientific publications;
- e) shall not be sentenced by virtue of a final sentence for the deliberate commission of a crime or criminal contravention.

4. The position of the President of the Psychologist Order shall be incompatible with any other administrative, state or political functions.

5. The President of the Order shall terminate his mandate early when:

- a) a decision is made by the National Assembly, with the simple majority of all members;
- b) resigns;
- c) is sentenced by a final court decision for the commission of a criminal offense;
- ç) loses full capacity to act;
- d) becomes incapable, due to health reasons, to perform their duties, as certified by the competent medical commission.

6. The procedure for election, duties and powers of the President of the Psychologist Order are set out in the Statute of the Order.

## Article 19

### Ethics Commission of Professional Disciplinary Judgment

1. The Ethics Commission of Professional Disciplinary Judgment, as a body of professional judgment, shall operate within the National Council. This commission consists of 5 members elected by the National Council.

2. The Commission shall examine the complaints made by any person or institution to the Order's bodies, which are related to the exercise of the profession and constitute a violation of the Code of Ethics and Deontology.

3. The manner of establishing and functioning of the Ethics Commission of Professional Disciplinary Counseling is set out in the statute and the rules of professional judgment of the Order.

## Article 20

### Disciplinary measures

1. The Ethics Commission of Professional Disciplinary Judgment shall investigate and adjudicate on the basis of the facts and evidence administered and the hearing with the member of the Order against whom disciplinary action may be taken.

When it is proven that a member has committed violations of ethics of the Code of Ethics and Deontology or has made technical errors, he shall take the following measures:

- a) written reprimand;
- b) warning notice;
- c) fine from 10 000 (ten thousand) ALL to 100 000 (one hundred thousand) ALL;
- ç) proposal for dismissal from management positions at public and private institutions;
- d) suspension from the right of election at the management bodies of the Psychologist Order for a period until 3 years;
- dh) exclusion from the Psychologist Order for a period until 3 years.

2. The disciplinary measures set out in paragraph 1 of this article may be postponed, if no other disciplinary measures are taken against the member:

- a) within 1 year from the date of their adoption, in relation to letters “a” and “b” of paragraph 1 of this article;
- b) within 3 years from the date of their adoption in relation to letters “d” and “dh” of paragraph 1 of this article.

3. The income from the collected fines in accordance with letter “c” of paragraph 1 of this article shall go to the State Budget.

## Article 21

### Appeal/Complaint

1. Appeals against decisions on the adoption of disciplinary measures by a disciplinary committee shall be submitted to the National Council of Psychologist Order within 15 days from the date of written communication of the decision.
2. The National Council of the Psychologist Order shall, within 30 days from the date of receipt of the appeal/complaint, consider or set up an ad hoc commission and render a decision on the appeal filed.
3. The decision of the National Council shall be appealed to the competent court for the settlement of administrative disputes, according to the legislation in force.

## CHAPTER IX

### TRANSITORY AND FINAL PROVISIONS

## Article 22

### Organization of first elections

1. The Minister responsible for social affairs, by order, shall set up a temporary commission, which organizes the first elections of the National Council of Psychologist Order, within 8 months from the entry into force of this law.

2. Upon the National Council election, the temporary commission shall be automatically dissolved.

#### Article 23

##### Transitory provisions

1. Persons who, at the time of entry into force of this law, have completed two study cycles in psychology, according to letter "b" of Article 6 of this law or equivalent thereof, shall be registered with the Psychologist Order.
2. Persons who, at the time of entry into force of this law, exercise the profession of psychologist and have completed two study cycles in psychology and have job experience of five consecutive years in the exercise of the profession of psychologist, shall be registered with the Psychologist Order and shall sit the state exam within three years from the entry into force of this law.

#### Article 24

##### Entry into force

This law shall enter into force 15 days after its publication in the Official Journal.

**SPEAKER**

**Ilir META**

Approved on 14.4.2016