

Regulatory Analysis Form

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 DEPARTMENT OF STATE

(1) Agency
 Department of State
 Bureau of Professional and Occupational Affairs
 State Board of Psychology

(2) I.D. Number (Governor's Office Use)
 16A-639

IRRC Number: #2215

(3) Short Title
 Continuing Education-Ethics Amendment

(4) PA Code Cite
 49 Pa. Code § 41.59

(5) Agency Contacts & Telephone Numbers
 Primary Contact: Judith Pachter Schulder, Counsel
 State Board of Psychology
 Secondary Contact: Joyce McKeever, Deputy Chief Counsel
 Department of State

(6) Type of Rulemaking (check one)
 Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking
 Omitted

(7) Is a 120-Day Emergency Certification Attached?
 No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.
 Current regulations permit licensees to carry over up to 10 excess continuing education contact hours to the next biennium where the licensee has obtained in excess of 27 contact hours in general subjects and 3 contact hours in ethical issues. The amendments clarify that the excess contact hours may only be carried over from the immediately preceding biennium. Additionally, the amendments clarify that the excess contact hours may not be used to satisfy the ethics requirement.

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Since the Board promulgated the carry-over regulation in 1997, the Board has received numerous inquiries from licensees regarding the length of the carry-over and questioning whether excess contact hours in ethical issues may be carried forward.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation would reduce the Board's ability to provide guidance to licensees regarding the Board's continuing education requirements.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Licensees will benefit from the Board's guidance and will be able to plan accordingly.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No persons would be adversely affected.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All psychologists licensed in the Commonwealth would be required to comply with the regulation. Currently there are 8,502 total licensees, of which 5,922 are active.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Notice of proposed rulemaking was published at 31 Pa.B. 5270 (September 15, 2001). Publication was followed by a 30-day public comment period during which the Board received no public comments. Neither the House Professional Licensure Committee (HPLC), the Independent Regulatory Review Commission (IRRC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) commented.

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(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There will be no cost and/or savings to the regulated community. Licensees are required under Section 41.59(d) of the regulations, 49 Pa. Code §41.59(d), to maintain documentation evidencing compliance with the continuing education requirement for at least two biennial periods.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

The regulation will not result in costs and/or savings to local government.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The regulation will not impose any costs and/or savings on state government.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY +1	FY +2	FY +3	FY +4	FY +5
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government						
State Government						
Total Savings						
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

N/A

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
State Board of	N/A	N/A	N/A	N/A
Psychology				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N/A

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Nonregulatory alternatives were not considered since an amendment to the regulation is required to clarify these continuing education issues.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

N/A

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

N/A

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The regulation should not put Pennsylvania at a competitive disadvantage with other states. A chart of continuing education requirements by jurisdiction as published in ASPPB's Handbook of Licensing and Certification Requirements was attached in proposed form.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

This regulation applies to all licensees. The Board has perceived no special needs of any subset or group which should be excepted.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication of Final Rulemaking in the Pennsylvania Bulletin. Compliance will be required as of that date.

(31) Provide the schedule for continual review of the regulation.

The Board continuously reviews its regulations, periodically communicates with licensees through newsletters and its web page and obtains information and feedback from its licensees on a frequent basis.

CAL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

2215

DO NOT WRITE IN THIS SPACE


Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Psychology
(AGENCY)

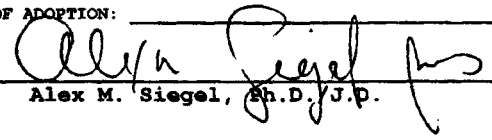
BY: 

DOCUMENT/FISCAL NOTE NO. 16A-639

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

BY: 
Alex M. Siegel, Ph.D., J.D.

2/20/02
(Deputy General Counsel
(Chief Counsel,
Independent Agency
(Strike inapplicable
title)

TITLE: Chairman
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable. No Attorney General approval or objection within 30 day after submission.

FINAL RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PSYCHOLOGY
49 Pa. Code, Chapter 41
CONTINUING EDUCATION

The State Board of Psychology (Board) hereby amends its regulations as set forth in Annex A. These regulations address continuing education requirements.

Statutory Authority

The amendments are authorized under Section 15 of the Professional Psychologists Practice Act, Act of April 25, 1986, (P.L. 89, No. 33) 63 P.S. § 1215.

Response to Public Comments and Regulatory Review

Notice of the proposed rulemaking was published at 31 Pa.B. 5270 (September 15, 2001). Publication was followed by a 30-day public comment period during which the Commission did not receive any public comments. Following the close of the public comment period, the Commission did not receive any comments from the House Professional Licensure Committee (HPLC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the Independent Regulatory Review Commission (IRRC).

Amendments in Final Form Rulemaking

The amendment to § 41.59(b) clarifies that licensees may only carry over 10 contact hours of continuing education from the immediately preceding biennium into the next biennium. If any of the 10 carried-over contact hours were completed in ethical issues they may only be credited toward the general requirement, and not toward the ethical hours requirement. Licensees must complete three contact hours in ethical issues each biennium.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed this rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The amendments will have no adverse fiscal impact nor will they impose any additional paperwork requirements on the Commonwealth, its political subdivisions or the public sector.

Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 31 Pa.B. 5270 (September 15, 2001) to IRRC, SCP/PLC and HPLC for review and comment.

In compliance with section 5(b.1) of the Regulatory Review Act (71 P.S. § 745.5(b.1)), the Board also provided IRRC, SCP/PLC, and HPLC with required documents. In preparing the final-form regulation, the Board considered that it did not receive any comments from IRRC, SCP/PLC, HPLC, and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final-form regulation was (deemed) approved by the SCP/PLC on _____, 2002, and (deemed) approved by the HPLC on _____, 2002. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on _____, 2002, and (deemed) the final-form regulation approved.

Contact Person

Further information may be obtained by contacting Christina Stuckey, Administrative Assistant, State Board of Psychology, at P. O. Box 2649, Harrisburg, PA 17105-2649; telephone (717) 783-7142, www.state.pa.us/bpoa/psybd/mainpage.htm.

Findings

The State Board of Psychology finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 5270 (September 15, 2001).

(4) This amendment is necessary and appropriate for administering and enforcing the authorizing acts.

Order

The State Board of Psychology, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 41, are amended to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the Pennsylvania Bulletin.

Alex M. Siegel, J.D., Ph.D., Chair

ANNEX A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 41. STATE BOARD OF PSYCHOLOGY

MISCELLANEOUS

§41.59. Continuing education.

* * * *

(b) *Continuing education requirement for biennial renewal.* As a condition of biennial license renewal, a psychologist shall have completed during the preceding biennium a minimum of 30 contact hours (3 CEUs) of continuing education in acceptable courses, programs or activities which shall include at least 3 contact hours per biennium in ethical issues. Up to 10 contact hours in excess of 30 from the immediately preceding biennium may be carried over from one biennium to the next. Excess hours in ethical issues may not be used to satisfy the ethics requirement for the succeeding biennium but may be credited toward the total requirement.

* * * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCUCPATIONAL AFFAIRS
STATE BOARD OF PSYCHOLOGY

(717) 783-7155

116 PINE STREET
P. O. BOX 2649
HARRISBURG, PA 17105-2649

March 12, 2002

The Honorable John R. McGinley, Chairman
Independent Regulatory Review Commission
14th Floor, Hartistown 2
333 Market Street
Harrisburg, PA 17101

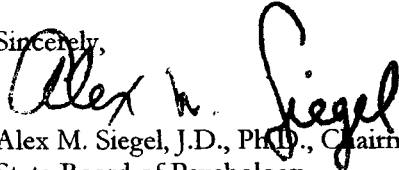
RE: Final Regulation
State Board of Psychology
Continuing Education – Ethics Amendment (16A-639)

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Psychology pertaining to continuing education – ethics amendment.

The Board will be pleased to provide whatever information your Committee may require during the course of its review of the rulemaking.

Sincerely,


Alex M. Siegel, J.D., Ph.D., Chairman
State Board of Psychology

AMS:JPS:apm

Enclosures

c: John T. Henderson, Jr., Chief Counsel
Department of State
Albert H. Masland, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Philip Zarone, Regulatory Counsel
Gerald S. Smith, Senior Counsel in Charge
Department of State
Judith Pachter Schulder, Counsel
State Board of Psychology
State Board of Psychology

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-639
 SUBJECT: State Board of Psychology - Continuing Education
 AGENCY: DEPARTMENT OF STATE # 2215

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3-12-02	Lou A. Clark	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
MAR 12 2002	<i>[Signature]</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/12/02	Pina Eckert	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU