

Regulatory Analysis Form

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REGULATORY
REVIEW COMMISSION

(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 would clarify that the excess contact hours may only be carried over from the immediately preceding biennium. Additionally, the amendments would clarify that the excess contact hours may not be used to satisfy the ethics requirement.

Regulatory Analysis Form

(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.

In compliance with Executive Order 1996-1, the Commission extended an invitation to the following boards, associations and interested licensees and educators to preliminarily review and comment on the Board's draft regulatory proposal: National Association of School Psychologists; Association of School Psychologists of Pennsylvania; Pennsylvania Mental Health Consumer's Association; Pennsylvania Psychological Association; Northwestern PA Psychological Association; Philadelphia Society of Clinical Psychologists; Philadelphia Neuropsychology Society; Northeastern PA Psychological Association; Mideast PA School Psychological Association; Lehigh Valley Psychological Association; Laurel Mountains Psychological Association; Lancaster/Lebanon Psychological Association; Harrisburg Area Psychological Association; Greater Pittsburgh Psychological Association; Delaware County Association of School Psychologists; Central Pennsylvania Psychological Association; Berks Area Psychological Society; Academy of Psychologists Engaged in Private Practice in the Lehigh Valley; Hospital and Health System Association of Pennsylvania; and Philadelphia Society of Clinical Psychologists.

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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.

Regulatory Analysis Form

(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. See attached chart of continuing education requirements by jurisdiction as published in ASPPB's Handbook of Licensing and Certification Requirements.

(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.

Continuing Education Requirements by Jurisdiction

Jurisdiction	Continuing Education Requirements
Alabama	Psychologist: 20 hours annually; Psychological Technician: 10 hours annually
Alaska	Psychologist and Psychological Associate: 20 hrs annually
Alberta	None required
Arizona	60 hours every 2 years
Arkansas	20 hours annually
British Columbia	New Bylaws are in process of development. Contact College.
California	Psychologist: 36 hours every 2 years; 4 hours of which must be in ethics
Colorado	None required
Connecticut	None required
Delaware	Psychologist: 40 hours every 2 years; Registered Psychological Assistant: 20 hours every 2 years
District of Columbia	30 hours every 2 years; must be APA/DCPA approved
Florida	Psychologist and Limited License: 40 hours every 2 years, 3 hours of which must be in ethics/legal issues, 1 hr in domestic violence
Georgia	Psychologist: 40 hours every 2 years, 3 hours of which must be in ethics
Hawaii	30 hours every 2 years
Idaho	None required
Illinois	20 hours annually
Indiana	None required
Iowa	Health Service Provider in Psychology: 40 hours every 2 years
Kansas	Psychologist: 40 hours every 2 years
Kentucky	Licensed Psychologist: 100 hours every 2 years, 3 hours of which must be in ethics and of which must be related to diagnosis and treatment; Licensed Master's Level Psychologist and Licensed Clinical Psychologist: 60 hours every 2 years, 3 hours of which must be in ethics and 6 of which must be related to diagnosis and treatment
Kentucky	30 hours every 3 yrs
Louisiana	30 hours every 2 years, 2 hours of which must be in ethics
Maine	40 hours every 2 years
Manitoba	None required
Maryland	40 units every 2 years, 3 hours of which must be in ethics
Massachusetts	20 hours every 2 years
Michigan	None required
Minnesota	40 hours every 2 years
Mississippi	20 hours every 2 years, 2 hours of which must be in ethics or legal issues (APA or board approved CE sponsors only)
Missouri	40 hours every 2 years
Montana	40 hours every 2 years
Nebraska	24 hours every other year
Nevada	Psychologist: 30 hours every 2 years, 6 hours of which must be in ethics

JURISDICTION	CONTINUING EDUCATION REQUIREMENTS
New Brunswick	None required
New Hampshire	60 hours every 3 years, 9 hours of which must be in ethics
New Jersey	None required
New Mexico	Psychologist: 60 hours every 3 years; Psychologist Associate: 36 hours every 3 years
New York	None required
Newfoundland	None required
North Carolina	None required
North Dakota	40 hours every 2 years
Nova Scotia	None required (to be developed under new legislation)
Ohio	20 hours every 2 years (for 1st renewal, 10 hrs if licensed in 1st year of biennium, 0 hours if licensed in 2nd year of biennium)
Oklahoma	20 hours annually, 3 hours of 20 must be in ethics
Ontario	None required but quality assurance program applies
Oregon	50 hours every 2 years, 4 of which must be in ethics
Pennsylvania	30 hours every 2 years, 3 of which must be in ethics
Quebec	None required
Rhode Island	Psychologist: 40 hours every 2 years
Saskatchewan	None required
South Carolina	12 hours annually, 6 hours of which must be in APA-sponsored/approved workshops
South Dakota	None specified
Tennessee	40 units every 2 years
Texas	12 hours annually
Utah	48 hours every 2 years
Vermont	60 hours every 2 years, 5 hours of which must be in ethics as of 2002 biennium
Virginia	None required
Washington	60 hours every 3 years, 4 hours of which must be in ethics
West Virginia	20 hours every 2 years; 3 hours of which must be in ethics
Wisconsin	40 hours every 2 years, 8 hours of which must be in ethics
Wyoming	30 hours every 2 years

Please refer to pages for each jurisdiction for more details. If you are licensed in a jurisdiction, confirm CE requirements with the board or agency in that jurisdiction rather than relying on information presented here, as requirements may change.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

2001 AUG 30 PM 1:56

REVIEW COMMISSION

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.

Cristina S. Capron
(DEPUTY ATTORNEY GENERAL)

State Board of Psychology
(AGENCY)

John V. Turner

AUG 23 2001

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-639

DATE OF ADOPTION:

BY:

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

DATE OF APPROVAL

8/17/01

(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.

PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PSYCHOLOGY
49 Pa. Code, Chapter 41
Continuing Education-Ethics Amendment

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.

* * * *

The State Board of Psychology (Board) proposes to amend its regulations at 49 Pa. Code § 41.59 relating to continuing education.

Current subsection (b) requires psychologists to complete a minimum of 30 contact hours of continuing education credit in acceptable courses as a condition of biennial license renewal. At least 3 contact hours must be obtained in ethical issues. The subsection also permits licensees to carry-over up to 10 contact hours in excess of the 30 from the proceeding biennium. Since the carry-over provision was added to Section 41.59 in 1997, licensees have questioned the length of the carry-over and inquired whether the ethical requirement may be carried forward.

The proposed amendment to this subsection answers these questions. Subsection (b) would clarify that the excess contact hours may only be carried over from the immediately preceding biennium.

Additionally, proposed subsection (b) would be amended to clarify that excess contact hours obtained in ethical issues may also only be carried over from the immediately preceding biennium to the next; however, they may not be used to satisfy the ethics requirement. Rather, the excess ethical contact hours may be credited toward the total requirement. The Board believes that in order for licensees to maintain current proficiency in ethical issues and protect the public, licensees must take continuing education in ethical issues each biennium.

An example of the application of the proposed regulation follows. A licensee obtains 35 contact hours in a biennial period-30 in general topics and 5 in ethical issues. The licensee may carry over the 5 extra contact hours (which includes the two additional contact hours in ethical issues) to satisfy the general requirement for the next biennium. In the next biennium, the licensee would be required to obtain 25 contact hours-3 in ethical issues and 22 in any acceptable courses.

Fiscal Impact

The proposed amendments will have no fiscal impact on the Board, its licensees, the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed amendments should create only minimal paperwork requirements on licensees who choose to carry-over continuing education contact hours from one biennium to another. Licensees are currently required by Subsection(c) to retain certificates, transcripts or other documentation evidencing completion of the required continuing education for at least two biennium. Licensees who choose to carry over the prescribed number of contact hours may be required to provide documentation with their renewal application that they have not used the carry-over hours in the prior biennium.

Compliance with Executive Order 1996-1

In compliance with Executive Order 1996-1, the Commission extended an invitation to the following boards, associations and interested licensees and educators to preliminarily review and comment on the Board's draft regulatory proposal: National Association of School Psychologists; Association of School Psychologists of Pennsylvania; Pennsylvania Mental Health Consumer's Association; Pennsylvania Psychological Association; Northwestern PA Psychological Association; Philadelphia Society of Clinical Psychologists; Philadelphia Neuropsychology Society; Northeastern PA Psychological Association; Mideast PA School Psychological Association; Lehigh Valley Psychological Association; Laurel Mountains Psychological Association; Lancaster/Lebanon Psychological Association; Harrisburg Area Psychological Association; Greater Pittsburgh Psychological Association; Delaware County Association of School Psychologists; Central Pennsylvania Psychological Association; Berks Area Psychological Society; Academy of Psychologists Engaged in Private Practice in the Lehigh Valley; Hospital and Health System Association of Pennsylvania; and Philadelphia Society of Clinical Psychologists.

Statutory Authority

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

Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), as amended, 71 P.S. §745.5(a), the agency submitted a copy of this proposed regulation on August 30, 2001 to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the regulation, the agency has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulation, it will notify the agency within 10 days after the expiration of the Committees' review period. Such notification shall specify the regulatory review criteria which have not been met by that portion. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the agency, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Judith Pachter Schulder, Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-

16A-639
May 11, 2001

2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-639 when submitting comments.



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

(717) 783-7155

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

August 30, 2001

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

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

Dear Chairman McGinley:

Enclosed is a copy of a proposed 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
Christal Pike-Nase, Regulatory Counsel
Gerald S. Smith, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
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 - Ethics Amendment
AGENCY: DEPARTMENT OF STATE #2215

TYPE OF REGULATION

- X Proposed Regulation
- 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

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STATE BOARD OF PROFESSIONAL
REGULATORY REVIEW COMMISSION
2001 AUG 30 PM 1:51

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8-30-01	Louise Clark	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
8/30/01	Pammy Weaver	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
8/30/01	Anna Eckert	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
8/30/01	C. Lee Brown	LEGISLATIVE REFERENCE BUREAU