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PENNSYLVANIA PSYCHOLOGICAL ASSOCIATION

416 Forster Street • Harrisburg, Pennsylvania 17102-1748 • Telephone 717-232-3817 • Fax 717-232-7294
<http://www.papsy.org>

October 13, 2004

Dr. Alex Siegel
Chair, State Board of Psychology
PO Box 2649
Harrisburg, PA 17105-2649

RE: Proposed Regulations 16A-6314 from the State Board of Psychology

Dear Dr. Siegel:

We are preparing a response to proposed regulations Number 16A-6314. In discussing this issue with the Independent Regulatory Review Commission (IRRC), they suggested that we contact you for clarification of two issues dealing with the Preamble, and not the content of the regulations.

As we need to send our response to the House Professional Licensure Committee by Monday, October 18 at the latest, we would appreciate a prompt response in writing to our concerns. If convenient, it can be sent by fax to 717-232-7294. Your response will help formulate the content of the letters we send to IRRC and the House Professional Licensure Committee.

The first concern deals with statements in the Preamble in the January 6, 2004, *Pennsylvania Bulletin* that "the Board recognizes that it may only take disciplinary action against a licensee where the misdemeanor . . . evidences that the licensee is unable to practice with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material." In other words, the Preamble states that the Board could discipline a psychologist on the basis of any misdemeanor evidencing an impairment.

Nonetheless, this differs the Professional Psychologists Practice Act which specifically states that when the Board has probable cause of impairment it may "compel a psychologist to submit to a mental or physical examination" to determine if they are impaired (Section 8 (8)). In other words, a misdemeanor unrelated to the practice of psychology evidencing impairment could trigger a compelled examination; it should not trigger a prosecution by itself.

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Perhaps there was an inadvertent wording error in the Preamble. Nonetheless, we need to know whether the Board intends to refer individuals suspected of an impairment to prosecution or to a compelled examination.

The second question concerns Section 41.92. The Board has appropriately modified the proposed regulation in 41.92 to require licensees who have voluntarily surrendered their licenses in lieu of discipline to, among other things, notify "any individuals obtaining supervision for licensure from the licensee." This is a reasonable provision and we support it.

However, in its Preamble the proposed regulations, the Board stated that it proposed the regulation to benefit "Ph.D. or Psy.D. holders on the licensure track who are obtaining their supervised experience with the disciplined licensee." This description of the affected class of individuals is more restrictive than what is found in the regulations.

However, we know of no reason why otherwise qualified current doctoral degree holders should not be included among the class of persons who should be notified. Also, some psychologists may be supervising people who do not yet have a doctoral degree, but are receiving supervision for their pre doctoral internship.

Finally, candidates for licensure as licensed professional counselors or marriage and family therapists may use supervision by licensed psychologists to fulfill part of their supervision requirements. A qualified supervisor for a licensed marriage and family therapist may "hold a license and have at least a master's degree in a related field"(49 Pa Code 48.3). Qualifications for supervisors of licensed professional counselors have a similar option (49 Pa Code 49.3).

Again, it is possible that there was a wording error. Nonetheless, the second question is whether the Board intends to require notification only of "Ph.D. or Psy.D. holders on the licensure track," or of "any individual obtaining supervision for licensure."

Thank you for your prompt attention to these issues.

Sincerely,



Samuel Knapp, Ed.D.
Director of Professional Affairs

cc: Mr. Scott Schalles, Regulatory Analyst, IRRC



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TO: Dr. Alex Siegel, State Board of Psychology

FROM: Dr. Samuel Knapp, Pennsylvania Psychological Association

RE: Proposed Regulation Number 16A-6314

CC: Scott Schalles, Independent Regulatory Review Commission

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