

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

SECTIONAL PROFILE

(1) Agency:

Department of State, Bureau of Professional and Occupational Affairs, State Board of Psychology

(2) Agency Number:

Identification Number: **16A-6315**

IRRC Number: **2763**

INDEPENDENT REGULATORY
REVIEW COMMISSION

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(3) Short Title: **Qualifications**

(4) PA Code Cite: **49 Pa. Code §§41.1, 41.30, 41.31, 41.32, 41.33 and 41.41.**

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: **Judith Pachter Schulder, Counsel, State Board of Psychology 783-7200**

Secondary Contact: **Joyce McKeever, Deputy Chief Counsel, Department of State 783-7200**

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
 - Certification by the Governor
 - Certification by the Attorney General

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(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The regulation: (1) reorganizes the examination, education and experience provisions into three separate sections, (2) clarifies the experience and supervisions requirements, and (3) permits graduates of doctoral degree programs in psychology and a field related to psychology to take the licensing examination after completing their education.

(9) Include a schedule for review of the regulation including:

A. The date by which the agency must receive public comments: n/a

B. The date or dates on which public meetings or hearings will be held: n/a

C. The expected date of promulgation of the proposed regulation as a final-form regulation: n/a

D. The expected effective date of the final-form regulation: **upon publication as an Order of Final Rulemaking in the Pennsylvania Bulletin**

E. The date by which compliance with the final-form regulation will be required: **upon publication of the Order of Final Rulemaking in the Pennsylvania Bulletin except as for section 41.33(c) which becomes effective beginning the second complete licensure biennium following the date of the publication of the final-form rulemaking**

F. The date by which required permits, licenses or other approvals must be obtained: n/a

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

The Board continuously reviews its regulations.

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SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

The amendments are authorized by Sections 3.2(1) and 8(a)(6) of the Professional Psychologists Practice Act, 63 P.S. §§ 1203b(1) and 1208(a)(6).

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The amendments address the following:

Reorganization

In order to obtain a license as a psychologist, applicants must complete educational, experience and examination requirements. The current regulations interweave these requirements. Current §§ 41.31(a) and 41.41 contains examination provisions, current § 41.31(b) contains the educational requirements, and current experience and supervision requirements in subsection (c). Additionally, current §§ 41.31(c) and 41.32 contain experience and supervision requirements. In this rulemaking, the Board reorganizes current §§ 41.31 and 41.32 into four separate sections: § 41.31 for educational requirements, § 41.32 for experience requirements, § 41.33 for supervisory requirements and § 41.41 for examination requirements.

(Continued on page 8)

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(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

N/A

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

There are no perceived people or groups of people who will be adversely affected by the regulations.

(16) 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.

Applicants for licensure, current primary and delegated supervisors and prospective primary and delegated supervisors will be required to comply with the supervision requirements. Applicants will also have to comply with the examination requirements. Approximately 230 applicants apply for licensure annually. The Board does not register supervisors so it does not have statistics regarding the number of individuals who provide supervision.

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SECTION III: COST AND IMPACT ANALYSIS

(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. Explain how the dollar estimates were derived.

N/A

(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. Explain how the dollar estimates were derived.

N/A

(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. Explain how the dollar estimates were derived.

The amendments will have a minimal positive fiscal impact on the Commonwealth because the Board will not have to return as many applications or seek additional clarification for supplemental information about the supervisor or the experience. Board members will continue to review applicants' experience; however, there are no additional costs associated with Board member review as that review is conducted during monthly Board meetings.

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

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

Program	FY 04-05	FY 05-06	PROJECTED FY 06-07	BUDGET FY 07-08
State Board of Psychology	\$454,103.27	\$424,181.81	\$453,179.74	\$625,000.00

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(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

In that there are no additional costs associated with this regulation, there will be no adverse effects and costs associated with compliance.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

Notice of proposed rulemaking was published at 39 Pa.B. 2211 (May 2, 2009). Publication was followed by a 30-day public comment period during which the Board received public comments from the Pennsylvania Psychological Association and the Pennsylvania Osteopathic Medical Association. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission and the House Professional Licensure Committee. The Senate Consumer Protection and Professional Licensure Committee did not comment.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Nonregulatory alternatives were not considered because policy statements on any of the issues covered by the amendments would not have the force or effect of law.

(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 regulations.

There are no federal licensure standards.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

Experience—

Jurisdictions requiring 1500 hours of experience or less	CA, CO, DL, ME, NC, NH, NM, NV, OR, PA, SC, VA, WA, WV, WI, WY
Jurisdictions requiring more than 1500 hours	AK, DC, FA, GA, IN, KY, LA, MA, MD, MS, ND, NJ, NY, OH, OK, UT, VT

Examination--

Jurisdictions where test may be taken before completion of Postdoctoral Experience	AL, AR, BC, CA, CO, DC, FL, GA, ID, IN, IA, KS, KY, LA, MB, MI, MN, MS, MO, NE, NV, NB, NM, NY, NF, ND, NS, OK, ON, SK, SC, SD, TN, TX, VI, VA, VT, WA, WV, WI, WY
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Jurisdictions where test is taken only after completion of Postdoctoral Experience	AK, AZ, CT, DE, HI, IL, ME, MD, MA, MT, NH, NJ, NC, OH, OR, PA, RI, UT
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(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect any regulations of the Board or other state agencies.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The regulation changes existing reporting, recordkeeping and paperwork requirements. First, it permits applicants to apply to take the licensing examinations after graduation from their doctoral degree program as opposed to after they have completed their experience. Additionally, while supervisors are not required to complete additional paperwork documenting supervision, it clarifies what supervision and paperwork is required of supervisors.

(28) 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.

The Board is not aware of any special needs by a subset or group affected by the regulation.

(Continued from No. 13)

Clarification of experience and supervision requirements

The act requires 2 years of supervised experience in order to obtain a license. One year of that experience is obtained as part of the doctoral degree program and is administered by the program's internship director. The other year of supervision is completed after graduation. Currently the Board defines the year as 1500 hours of

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supervised experience of which 50% of the hours must be spent in clinical practice. The remaining hours may be in clinical practice or in research. In reviewing this experience, the Board determined that 1750 hours more accurately reflects an actual year of practice calculated at an average of 35 hours per week excluding vacations, holidays and sick days. This increased timeframe is also consistent with the experience required in neighboring jurisdictions, including New York, New Jersey, Maryland, Ohio and the District of Columbia.

The Board receives numerous telephone, mail and e-mail inquiries from students obtaining their doctoral degree, doctoral degree graduates, primary and delegated supervisors and potential primary and delegated supervisors seeking clarification about experience timing, settings and supervisory responsibilities and prohibitions. The Board believes that this amendment clarifies those requests.

Examination changes

Current examination requirements prohibit applicants from taking the licensure examination until after completing their experience. In this rulemaking, the Board removes this prohibition and permit applicants to take the examination at any time after graduation. The Board believes that these graduates should be permitted to take their examinations closer in time to when they graduate. Further, forty-one states—including New York and Virginia—permit doctoral degree graduates to take the licensure examinations prior to obtaining their postdoctoral experience.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

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(Pursuant to Commonwealth Documents Law)

INDEPENDENT REGULATORY
REVIEW COMMISSION

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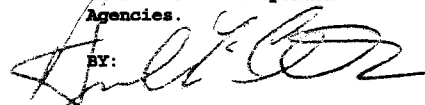
Copy below is hereby approved as to form and legality. Attorney General

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-6315

Andrew C. Clark

DATE OF ADOPTION: _____

DATE OF APPROVAL

DATE OF APPROVAL

BY: Karen Edelstein PsyD
Karen Edelstein, Psy.D.

MAR -4 2010

(Deputy General Counsel
~~Chief Counsel,~~
~~Independent Agency~~
~~(Strike inapplicable title)~~)

TITLE: Chair
(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
Qualifications

The State Board of Psychology (Board) amends 49 Pa. Code, Chapter 41 as set forth in Annex A.

Summary

In order to obtain a license as a psychologist, an applicant must complete education, experience and examination requirements. These requirements appear in numerous sections of the existing regulations. In this rulemaking, the Board reorganizes the education, examination and experience requirements into four sequential sections--§ 41.31 for educational requirements, § 41.32 for experience requirements, § 41.33 for supervision requirements, and § 41.41 for examination requirements and clarifies existing requirements. Additionally, the Board amends current examination requirements to permit doctoral degree holders to take the licensure examinations prior to completing their experience.

Statutory Authority

The amendments are authorized under the authority of §§ 3.2(1), 6(a) and 8(a)(6) of the Professional Psychologists Practice Act (act) (63 P.S. §§ 1203.2(1), 1206(a)(2) and 1208(a)(6)).

Response to Comments

Notice of proposed rulemaking was published at 39 *Pa.B.* 2211 (May 2, 2009). Publication was followed by a 30-day public comment period during which the Board received public comments from the Pennsylvania Psychological Association (PPA) and the Pennsylvania Osteopathic Medical Association (POMA). Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

Section 41.1—Definitions

IRRC recommended that the Board define the terms “licensed health professional” and “possesses special expertise or skills” used in the proposed definition of “delegated supervisor.” For the former, the Board’s intent on proposed was to include all persons licensed by a health licensing Board within the Bureau of Professional and Occupational Affairs (BPOA), such as physicians, nurses, occupational therapists, pharmacists and social workers. For the latter, the Board’s intent was that the standards set forth in the qualifications for supervisors demonstrate possession of special expertise or skills. In final form, the Board replaced “licensed health professional” with “a person who holds a current license, certificate or registration from a health related board within the BPOA” and replaces “possesses special expertise or skills” with “meets the requirements of § 41.33(A)(B) (relating to supervisors).”

In its final form regulations, the Board also added a definition for “graduate training in psychology” previously contained in the Board regulations. In reviewing the proposed regulations, the Board noted that new § 41.32(6)(relating to supervised practice following

completion of training) referenced educational standards for those with graduate training in psychology, however those standards were inadvertently removed and replaced only with a cross reference when the Board amended this definition at 36 Pa.B. 2680. Because these standards are necessary, in final form, the Board has reinserted applicable portions from the former definition of "graduate training in psychology."

IRRC pointed out that the Board's cross-reference in the definition of "psychology resident" was incorrectly numbered. In final form, the Board corrected the typographical error.

Section 41.11—Licenses

IRRC questioned whether the supervisory rating forms contained in proposed § 41.11(a)(3) are still required to be submitted with the application to take the examination given that the proposal permits graduate degree holders to complete the examination prior to completing the experience requirement. The Board concurs with IRRC that in many, if not most, instances this form would not be completed at this stage in the process and therefore has removed the requirement of submitting the supervisory rating forms when applying for examination. As part of its review of this paragraph, however, the Board determined that the criminal history records information report (CHRI report) and the child abuse clearance required to be submitted under proposed § 41.30(b) should be submitted when an applicant seeks to take the examinations and only updated as needed when the applicant applies for licensure. Accordingly, the Board has added these initial submission requirements to § 41.11(a)(3) and (4).

Section 41.30—Qualifications and documentation necessary for licensure

IRRC recommended that the Board replace the reference "criminal background check" in proposed § 41.30(b)(2) with "criminal history records information report" or "CHRI report." The Board has made that change and uses "criminal history records information report" throughout.

The HPLC questioned whether a national background check would provide a greater public safeguard than a CHRI Report and whether a national background check is required by Section 6344.2(a) of the Child Protective Services Law (CPSL), 23 Pa.C.S. §6344.2(a). Upon investigation, the Board does not believe that a national background check, commonly known as the FBI Identification Record (FBI Record), would provide greater public protection. First, applicants are required to report all felony and misdemeanor convictions to the Board regardless of whether the convictions are included on the CHRI Report or FBI Record. Second, the FBI Record does not necessarily include all state and federal offenses committed by an applicant. According to the United States Department of Justice Order 556-73, the Record is "based upon certain information taken from fingerprint submissions retained by the FBI in connection with arrests...as submitted by agencies having criminal justice responsibilities." It is not information collected by the FBI. Third, unlike the CHRI Report which can be obtained almost immediately when filed online, the FBI Record takes approximately 3-4weeks to obtain. This additional time creates significant delay in obtaining a license. Fourth, the FBI Record costs \$8 more than the \$10 CHRI Report and can only be paid by certified check or credit card adding further inconvenience for applicants. With regard to the amendments to Section 6344.2(a) of the CPSL,

23 Pa.C.S. §6344.2(a), and the reference in the Department of Welfare's bulletin (#3490-08-03) published on June 27, 2008, the CPSL imposes employment rather than licensure requirements for those who are engaged in occupations with a significant likelihood of regular contact with children. Because all licensees do not engage in such occupations, Section 6344.2(a) of the CPSL does not automatically apply to all Board licensees. Thus, in final form, the Board has not replaced the requirement that applicants obtain a CHRI Report. In the event licensees also fall within the gamut of Section 6344.2(a) of the CPSL, 23 Pa.C.S. §6344.2(a), due to their specific employment, they would have to satisfy the FBI Record requirement independently.

IRRC recommended that the Board include a reference in this provision advising applicants that the CHRI Report and the child abuse clearance forms are available on-line. The Board declines to make this change even though information regarding many applications are available on-line because the form of availability changes over time. In order to ensure that the regulations do not have to be amended when the form of availability changes, but at the same time provide applicants with this information, the Board will direct applicants to on-line information on its website.

Because the Board is requiring submission of the CHRI Report and the child abuse clearance forms at the time the applicant applies to take the examination, in final form, the Board has amended new § 41.30(b)(2) and (3) to only require updates unless these reports/forms were submitted within 90 days of the application for licensure. If submitted within that timeframe, the applicant for licensure need not even submit updates.

Section 41.31—Educational Qualifications

The HPLC pointed out that the Board incorrectly referred to "subsection (a)(1)" in §§ 41.31(4) and 41.31(5) rather than § 41.41(c). In final form, the Board has removed § 41.41(c) as that provision was a holdover from when the examinations were administered only two times a year. Because the examinations are now administered six days a week, this provision is unnecessary. Nonetheless, in final form, the Board references § 41.42(b) in both sections.

Section 41.32—Experience Qualifications

IRRC asked the Board to clarify how it assures that applicants complete the one-year of pre-doctoral experience required by § 6(a)(2) of the Act, 63 P.S. § 1206(a)(2). In prior amendments to § 41.31(b), published in the *Pennsylvania Bulletin* at 36 *Pa.B.* 2680 (June 3, 2006), the Board explained that in order to obtain American Psychological Association/Canadian Psychological Association accreditation or Association of State and Provincial Psychology Board designation, a doctoral degree program in psychology or a field related to psychology must include a one-year supervised pre-doctoral internship. Owing to IRRC's concern that the Board is not sufficiently assuring that applicants complete the pre-doctoral internship, the Board has added the requirement at § 41.11(a)(5) that the application for examination include an internship verification form and job description.

IRRC recommended that the Board include all of the supervisory qualifications in a provision separate from the experience qualifications. In accordance with this suggestion, in

final form, the Board has removed the supervisory requirements from § 41.32 and reinserted them in new § 41.33.

New § 41.32(1), found in current § 41.31(c), delineates the timing for the one-year of supervised post-doctoral experience. IRRC asks the Board to clarify "any of the above categories" mentioned in § 41.32(1)(iii). In this paragraph, the Board requires that 50% of the total supervised experience be in direct care while the additional 50% may be obtained in teaching, research or direct care. In order to provide further clarification, in final form, the Board replaced "any of the above categories" with "any of the categories listed in this paragraph." IRRC also questioned whether supervised teaching experience, in the latter category includes teaching in graduate and undergraduate programs. The Board believes that both settings are acceptable.

POMA recommended that the Board increase the amount of direct care to 75%, a 25% increase over that recommended by the Board. Based on this recommendation, IRRC asked the Board to provide a justification for the proposed breakdown. As the Board explained above, the 50% requirement in direct care is a minimum rather than a maximum number of hours that can be obtained in this category. Applicants may complete the remaining 50% in direct care or a combination of direct care, teaching or research. In reviewing POMA's recommendation, the Board considered whether increasing direct care would preclude academicians or researchers from completing the required hours within one year. The Board has been advised that increasing the hours as POMA recommended would disadvantage academicians and researchers. Accordingly, the Board has declined to implement POMA's suggestion. Nonetheless, the Board notes that while it has not increased the percentage, the overall amount of direct care has been increased in this rulemaking as the Board has increased the total experience hours from 1500 to 1750.

POMA also expressed concern that allowing postdoctoral experience to be completed within 10 calendar years with half in the most recent five years from the application for licensure date in § 41.32(1)(iv) is too long of a timeframe to assure that the applicant remains current. Because this regulation permits applicants to take their examination immediately following graduation, but prior to completing the experience, the Board has reevaluated this timeframe and determined that it would be appropriate for the ten-year timeframe to commence upon being awarded the doctoral degree. The Board believes that this shortened timeframe properly considers the difficulty in obtaining postdoctoral internship placements but assures that applicants obtain their licenses within ten years of the doctoral degree. However, because the Board is aware that there are personal extenuating circumstances which may preclude an applicant from completing the ten-year timeframe, the Board has inserted a provision allowing for a waiver request identical to the waiver provision for continuing education.

The HPLC questioned why the Board limits the amount of time that can be delegated to a delegated supervisor to one hour pursuant to the definition of "delegated supervisor" in §§ 41.1 and 41.32(3)(ii). While the Board appreciates that delegated supervisors, who are either licensees, registrants or certificate holders of other health related boards or persons providing psychological services in exempt settings, impart valuable learning experiences to psychology residents, the Board believes that supervision by a Board licensee is equally valuable given the

licensees' duties and responsibilities under the Board's regulations and Code of Ethics. As such the Board has divided the supervision hours equally.

Section 41.33. Supervisors

Proposed §§ 41.32(3)(iii)(D) and (3)(v)(L) repeated the requirement that the supervisors review practice and ethical issues with the psychology resident. IRRC questioned whether both subparagraphs are necessary. The Board concurs with IRRC that both are not. In final form, the Board moved regulations about supervisors to new § 41.33 and included this requirement only in § 41.33(a)(4).

Proposed § 41.32(3)(iv)(E), moved to § 41.33(b)(5), prevents a supervisor who is the subject of active discipline from continuing his/her supervision. The HPLC questioned the meaning of "active discipline." In the Preamble on proposed form, the Board defined "active discipline" as during an active suspension or revocation. Owing to any confusion, the Board has replaced "discipline" with "active suspension or revocation." Although the requirement that a supervisor be replaced during supervision negatively impacts the psychology resident, the Board does not believe that licensees who are subject to current discipline should serve as role models or mentors to soon to be licensees. Supervisory hours completed prior to the removal of the disciplined supervisor will be credited fully.

Proposed § 41.32(3)(v)(A) required primary supervisors to hold an active license for at least two years before becoming a supervisor. PPA voiced its opposition to the provision on the grounds that this requirement could reduce the number of available supervisors. In final form the Board has removed the two-year requirement acknowledging that requiring new licensees to wait two years after obtaining a license would make internship placements even harder to obtain. Nonetheless, the Board has retained the requirement that supervisors complete a three credit continuing education course or a doctoral degree course. In final form, the Board has added a four-year effective date for implementation of the course requirement to new § 41.33(c)(1). Supervisors will be required to certify that they completed the course on supervisory forms.

Proposed §§ 41.32(3)(v)(F) and (3)(v)(G) require the supervisor to observe client sessions "regularly" and also "regularly apprise the psychology resident of progress and needed improvement." IRRC asked the Board to clarify the duration of "regularly." In light of § 41.33(a)(8) which requires primary and delegated supervisors to make quarterly reviews of the psychology resident's performance, the Board has replaced "regularly" with "at least quarterly."

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 or paperwork requirements on the Board, licensees, 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 § 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 39 *Pa.B.* 2211 (May 2, 2009), on April 22, 2009 to IRRC, SCP/PLC and HPLC for review and comment.

In compliance with § 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 copies of comments received as well as other documents. In preparing the final-form regulation, the Board has considered the comments received from IRRC, SCP/PLC, HPLC, and the public.

Under § 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final-form regulation was (deemed) approved by the HPLC on _____, 2010, and (deemed) approved by SCP/PLC on _____, 2010. Under § 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on _____, 2010, 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) 783-7155.

Findings

The State Board of Psychology finds that:

(1) Public notice of proposed rulemaking was given under §§ 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 39 *Pa.B.* 2211.

(4) This amendment is necessary and appropriate for administering and enforcing the authorizing Acts identified in Part B of this Preamble.

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.

Karen Edelstein, Psy.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

GENERAL

§ 41.1 Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Delegated supervisor—A PERSON TO WHOM THE PRIMARY SUPERVISOR HAS DELEGATED UP TO 1 HOUR OF THE 2 HOURS OF REQUIRED WEEKLY SUPERVISION WHO HOLDS A currently licensed, CERTIFICATE OR REGISTRATION FROM A health RELATED BOARD WITHIN THE BUREAU OF professional AND OCCUPATIONAL AFFAIRS or a person who is exempt from licensure under section 3(4)--(8) of the act (63 P.S. § 1203(4)--(8)), who ~~possesses special expertise or skills~~ MEETS THE REQUIREMENTS OF § 41.33(A) and (B) (RELATING TO SUPERVISORS) ~~to whom the primary supervisor has delegated up to 1 hour of the 2 hours of required weekly supervision.~~

* * * * *

GRADUATE TRAINING IN PSYCHOLOGY—THE COMPLETION OF 15 GRADUATE SEMESTER HOURS IN A DOCTORAL DEGREE PROGRAM IN PSYCHOLOGY THAT INCLUDES ANY OF THE FOLLOWING:

(I) PROVIDES IN ITS CORE PROGRAM REQUIRED INSTRUCTION IN ETHICS, RESEARCH DESIGN AND METHODOLOGY, STATISTICS AND PSYCHOMETRICS. IN ADDITION, REQUIRES STUDENTS TO DEMONSTRATE COMPETENCE IN EACH OF THE FOLLOWING FOUR SUBSTANTIVE CONTENT AREAS (THIS CRITERION WILL TYPICALLY BE MET BY REQUIRING A MINIMUM OF THREE GRADUATE SEMESTER HOURS IN EACH AREA): BIOLOGICAL BASES OF BEHAVIOR—FOR EXAMPLE, PHYSIOLOGICAL PSYCHOLOGY, COMPARATIVE PSYCHOLOGY, NEUROPSYCHOLOGY, SENSATION AND PERCEPTION, PSYCHOPHARMACOLOGY; COGNITIVE-AFFECTIVE BASES OF BEHAVIOR—FOR EXAMPLE, LEARNING, THINKING, MOTIVATION, EMOTION; SOCIAL BASES OF BEHAVIOR—FOR EXAMPLE, SOCIAL PSYCHOLOGY, GROUP PROCESSES, ORGANIZATIONAL AND SYSTEMS THEORY; INDIVIDUAL DIFFERENCES—FOR EXAMPLE, HUMAN DEVELOPMENT, PERSONALITY THEORY, ABNORMAL PSYCHOLOGY.

(II) INCLUDES SUPERVISED PRACTICUM, INTERNSHIP, FIELD OR LABORATORY TRAINING APPROPRIATE TO THE PRACTICE OF PSYCHOLOGY.

(III) INCLUDES COURSE REQUIREMENTS IN SPECIALTY AREAS OF PSYCHOLOGY.

* * * * *

Primary supervisor—A currently licensed psychologist having primary responsibility for directing and supervising the psychology resident.

* * * * *

Psychology intern—A student participating in an internship as part of a doctoral degree program in psychology or a field related to psychology.

Psychology resident—An individual who has obtained a doctoral degree and is fulfilling the supervised experience requirement for licensure, or an applicant for licensure who is continuing training under § 41.31(b)(4) (relating to educational qualifications).

Psychology trainee—[An individual who is fulfilling the supervised experience requirement for licensure or an applicant for licensure who is continuing training under § 41.31(c)(5) (relating to qualifications for taking licensing examination)]A psychology intern or psychology resident.

* * * * *

§ 41.11. Licenses.

(a) To be considered for admission to the examination provided in the act, an applicant shall first file with the Board or its designee:

- (1) A completed, ~~notarized~~ application form and the application fee.
- (2) Official transcripts of graduate work from an accredited college or university.
- (3) ~~Supervisory rating forms validating the applicant's qualifying experience~~ A

CRIMINAL HISTORY RECORDS INFORMATION REPORT COMPLETED BY THE PENNSYLVANIA STATE POLICE DATED WITHIN 90 DAYS OF THE APPLICATION. IF THE APPLICANT RESIDES OUTSIDE OF THE COMMONWEALTH, THE CRIMINAL HISTORY REPORT SHALL BE COMPLETED BY THE LAW ENFORCEMENT AGENCY RESPONSIBLE FOR CRIMINAL HISTORY REPORTS IN THE JURISDICTION WHERE THE APPLICANT RESIDES.

(4) CHILD ABUSE HISTORY CLEARANCE COMPLETED BY THE PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE DATED WITHIN 90 DAYS OF THE APPLICATION.

(5) INTERNSHIP VERIFICATION FORM AND JOB DESCRIPTION.

(6) Other forms or materials requested by the Board.

* * * * *

QUALIFICATIONS

§ 41.30. Qualifications and documentation necessary for licensure.

(a) To qualify for licensure, an applicant shall complete the educational requirements in § 41.31 (relating to education qualifications), the experience requirements in § 41.32 (relating to experience qualifications) and the examination requirements in § 41.41 (relating to examination qualifications).

(b) An applicant for licensure shall submit an application and fee to the Board with a PLUS:

(1) IN A SEALED ENVELOPE, SIGNED BY THE PRIMARY SUPERVISOR(S) ON THE ENVELOPE FLAP, ~~V~~verification of post doctoral experience FORM, and quarterly evaluations/PROGRESS REPORTS, WHICH INCLUDE OBJECTIVES, prepared during the course of supervision, AND A LETTER DESCRIBING THE SUPERVISORY INTERACTIONS AND THE SUPERVISOR'S JUDGMENT OF THE APPLICANT'S POTENTIAL AS A PSYCHOLOGIST, ~~in a sealed envelope signed by the primary supervisor(s) on the envelope flap.~~

(2) AN UPDATED Criminal ~~background check~~ HISTORY RECORDS INFORMATION REPORT ~~completed by the Pennsylvania State Police dated within 6~~

~~months 90 DAYS of the application UNLESS SUBMITTED TO THE BOARD WITHIN 90 DAYS OF THE APPLICATION FOR LICENSURE PURSUANT TO § 41.11(A)(III) (RELATING TO LICENSES). If the applicant resides outside of the Commonwealth, the background check shall be completed by the applicable law enforcement agency in the jurisdiction where the applicant resides.~~

~~(3) AN UPDATED Child Abuse History Clearance completed by the Pennsylvania Department of Public Welfare dated UNLESS SUBMITTED TO THE BOARD within 90 DAYS of the application FOR LICENSURE PURSUANT TO § 41.11(A)(III) (RELATING TO LICENSES).~~

§ 41.31 [Qualifications for taking licensing examination] Educational qualifications.

[(a) *Administrative procedures.*

(1) Applications to take the licensing examination and instructions for applicants, including deadlines for filing, may be secured from the Board. If an applicant, without reasons satisfactory to the Board, fails to report for both the first examination and the one subsequent to it, the applicant's application will be considered to have been withdrawn. If the applicant wishes to take a future examination, a new application shall be submitted to the Board. The application will be reviewed on the basis of the law and the regulations existing at the time.

(2) An applicant who has been deemed ineligible to take the examination shall be notified in writing of the reasons for ineligibility, whereupon the applicant may within 30 days of the notice correct the causes for the ineligibility or file a request for reconsideration. A request for reconsideration shall give the reasons for the applicant's request, shall be accompanied by documentary materials not previously submitted which

the applicant wishes the Board to consider, and may include a request for an informal interview before the Board.

(b) *Education.* Before an applicant seeking] To meet the education requirements for licensure under section 6 of the act (63 P.S. §1206), an applicant shall [be permitted to take the licensing examination, the Board must be satisfied that the applicant has complied with] complete the requirements for a doctoral degree in psychology or a field related to psychology as defined in § 41.1 (relating to definitions). The following documentation evidences compliance:

* * * * *

(4) First-time applicants who enroll in a graduate degree program in psychology or a field related to psychology on or after July 1, 2008, will be evaluated under these regulations. Applicants enrolled prior to this date will be evaluated under regulations in effect at the time of enrollment. Reapplicants under ~~subsection (a)(1) of § 41.42(b)~~ (relating to reexamination) will be evaluated under regulations in effect at the time of reapplication.

(5) FIRST TIME APPLICANTS WHO WERE ENROLLED IN A DOCTORAL DEGREE PROGRAM PRIOR TO MARCH 23, 1991, WILL HAVE THEIR EDUCATION CREDENTIALS EVALUATED UNDER REGULATIONS IN EFFECT AT THAT TIME. APPLICANTS WHO APPLY UNDER ~~SUBSECTION (a)(1) of § 41.42 (b)~~ (RELATING TO REEXAMINATION) WILL HAVE THEIR CREDENTIALS EVALUATED UNDER REGULATIONS IN EFFECT AT THE TIME OF REAPPLICATION).

[(c) *Experience.* To meet the experience requirements for licensure under section 6 of the act (63 P.S. §1206), an applicant shall submit evidence of having completed 2 years of

supervised experience which trained the applicant for the independent practice of psychology. At least 1 year of this supervised experience shall be obtained subsequent to the granting of the doctoral degree. For purposes of calculating experience the Board has defined a year as 1500 hours. All supervised experience must be acceptable to the Board. Acceptable predoctoral experience is limited to formal integrated internships—that is, internships which are integrated in terms of both the applicant's educational background and all aspects of the professional practice in which the applicant intends to engage.

(1) *Postdoctoral experience.*

(i) Experience acceptable to the Board means experience as a psychology trainee in a professional setting that is organized to prepare the applicant for the practice of psychology consistent with the applicant's education and training. At least one-half of the experience shall consist of providing services in one or more of the following areas: diagnosis, assessment, therapy, other interventions, consultation. Acceptable experience does not include the following:

(A) Independent private practice as a qualified member of another recognized profession under section 3(3) of the act (63 P.S. § 1203(3)).

(B) Independent private practice as a certified school psychologist under section 3(10) of the act.

(C) Practice as an independent contractor.

(ii) A psychology trainee shall, in every professional setting in which the trainee gains experience, be supervised by a psychologist holding a current license

issued by this Board or by a statutory board of psychologist examiners of another state, if, in the opinion of the Board, the requirements for licensure are substantially equivalent to the requirements of the act.

(A) The supervisor shall own, be employed by or be in contract status with the professional setting in which the psychology trainee is employed.

(B) The supervisor shall be responsible for ensuring that the minimum requirements for acceptable supervised experience are met.

(C) Psychological activities of the psychology trainee shall be performed pursuant to the delegation, order and control of the supervisor, who shall accept full professional responsibility for the psychology trainee's performance. Accordingly, the ultimate responsibility for the welfare of the client/patient shall be in the hands of the supervising licensed psychologist.

(I) The supervisor may delegate clearly defined areas of the psychology trainee's supervision to other professionals affiliated with the professional setting whose competence in the delegated areas has been demonstrated by previous education, training and experience.

(II) Although the supervisor shall continue to bear the ultimate responsibility for the supervision, those to whom supervisory responsibilities are delegates, shall be individually

responsible for activities of the psychology trainee performed under their supervision.

(D) The supervisor shall ensure that clients/patients of the psychology trainee are aware of the trainee's status and of the supervisor's overall responsibility for the services they receive.

(E) The supervisor shall meet individually with the psychology trainee for an average of at least 2 hours a week. If the supervisor has delegated supervisory responsibilities to other professionals, 1 hour of this minimum may be allocated, at the direction of the supervisor, between or among them.

(F) Reports, records and other communications prepared by the psychology trainee for distribution outside the professional setting shall be signed by the trainee and countersigned as "reviewed and approved by" the supervisor or other delegated professional.

(G) A supervisor who is temporarily unable to provide supervision shall designate a qualified substitute and shall ensure that the psychology trainee's clients/patients are informed of the temporary substitution.

(H) A supervisor who wishes to terminate supervision during the training period shall give the trainee notice reasonably calculated to enable the trainee to obtain another qualified supervisor. In no event shall a supervisor terminate supervision when termination would result in abandonment of the trainee's clients/patients.

(I) The supervisor shall observe the standards in § 41.32 (relating to standards for supervisors) and shall ensure that those to whom supervisory responsibilities are delegated comply with these standards.

(iii) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 40 hours per week during at least a 3-month period or, second, at least 15 hours per week for a period of at least 6 months. The experience shall have been obtained within the most recent 10 calendar years, at least half within the most recent 5 calendar years.

(2) *Predoctoral experience.* Predoctoral integrated internships shall meet the requirements in paragraph (1) and shall satisfy the following additional criteria:

(i) Upon entering the internship the psychology trainee shall have had supervised training for 450 or more hours.

(ii) During the internship the psychology trainee shall have a sequence of experiences designed to enhance professional attitudes, responsibilities and technical skills.

(iii) The psychology trainees shall participate in learning activities for an average of at least 2 hours per week, in addition to the supervision referred to in paragraph (1)(ii)(E).

(iv) The psychology trainee shall interact formally and informally with psychologists, other service providers and other trainees.

(v) The internship shall extend for a year and include at least 1500 hours of experience with at least 25% of the time (375 hours) in direct

client/patient contact and no more than 25% of the time in research, or the internship shall extend for 2 years half-time and meet the other requirements in this subparagraph.

(3) *Exception.* A psychology trainee who cannot make the supervisory arrangements required by this section may request the Board to approve a detailed written plan for supervision. The granting of such a request shall be at the Board's discretion. The Board will evaluate each plan submitted and each trainee's situation on a case-by-case basis.

(4) *Timing.* First-time applicants who commenced postdoctoral supervised experience prior to March 23, 1991, will have their postdoctoral experience credentials evaluated under regulations in effect at that time. Reapplicants under subsection (a)(1) or § 41.42(b) (relating to reexamination) will be evaluated under regulations in effect at the time of reapplication.

(5) *Continued training.* Applicants for admission to the Board's licensing examination may continue in training in a professional setting consistent with good practice until they pass the examination. This continued training shall be supervised by a licensed psychologist, who shall be ultimately responsible for the psychological activities of the applicant. Applicants may also practice in settings exempted from the licensure requirement under section 3(4), (6), (8) and (10) of the act (63 P.S. § 1203(4), (6), (8), and (10)).]

§ 41.32. [Standards for supervisors] Experience qualifications.

To [ensure the quality of supervised experience, the Board requires that supervisors and those to whom supervisory responsibilities are delegated under § 41.31(c)(2)(iii)(A) (relating to qualifications for taking licensing examination) comply with the standards in paragraphs (1)-(19). Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application to take the Board's licensing examination. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.] meet the experience requirements for licensure under section 6 of the act (63 P.S. § 1206), an applicant shall complete 1 year of acceptable postdoctoral supervised experience.

(1) Timing.

(i) One year is calculated as a period of at least 12 months consisting of at least 1750 hours of experience.

(ii) No more than 45 hours but no less than 15 hours of experience may be counted per week.

(iii) Fifty percent of the required hours must be obtained performing diagnosis, assessment, therapy, other interventions, supervision and/or consultation and receiving supervision or consultation. The remaining required hours may be obtained by teaching in association with an organized psychology program preparing practicing psychologists or a postdoctoral training program, psychological research or any of the above categories LISTED IN THIS PARAGRAPH.

(iv) The total experience must be obtained within 10 calendar years FROM THE AWARD OF THE DOCTORAL DEGREE. A PSYCHOLOGIST WHO CANNOT MEET THIS TIMEFRAME DUE TO HARDSHIP OR MEDICAL NECESSITY MAY

APPLY TO THE BOARD IN WRITING FOR A WAIVER. THE REQUEST SHALL INCLUDE A DESCRIPTION OF CIRCUMSTANCES SUFFICIENT TO SHOW WHY COMPLIANCE WAS IMPOSSIBLE. WAIVER REQUESTS WILL BE EVALUATED BY THE BOARD ON A CASE-BY-CASE BASIS AND WILL BE APPROVED OR DISAPPROVED AT ITS DISCRETION.

(v) The required experience may be obtained at more than one entity simultaneously, if the following criteria are met:

(A) The experience is obtained for each entity for a minimum of 6 consecutive months.

(B) The experience occurs for a minimum of 15 hours per week at each setting.

(C) The total experience for all settings does not exceed 45 hours per week.

(D) The experience complies with the ~~supervision~~ requirements in subsectionS (2) AND (e3).

(2) *Acceptable experience.*

(i) The practice at an entity in which experience is obtained must be consistent with the psychology resident's education and training.

(ii) No experience may be obtained where the psychology resident acts independently (for example, as a qualified member of another recognized profession under section 3(3) of the act (63 P.S. § 1203(3)).

(3) *Supervision.* All experience, including that obtained during consultation, must be obtained under the supervision of a primary supervisor.

(i) Primary supervisors. If the experience is obtained from more than one entity, the psychology resident shall obtain a primary supervisor for each entity.

(ii) Delegated supervisors. The primary supervisor may delegate supervision over the psychology resident to a delegated supervisor for up to 1 hour per week.

~~(iii) Qualifications and duties of primary and delegated supervisors. Primary and delegated supervisors are required to:~~

~~(A) Be currently licensed while providing supervision.~~

~~{1} [The supervisor shall be] Be qualified by training and experience to practice in the [supervisee's] psychology resident's areas of supervised practice.~~

~~{2} [The supervisor shall be the owner] Own [of], be an [employee] employee of, or be in contract status with the [professional setting] entity employing the [supervisee] psychology resident [and may not be subject in any way to the supervisee's control or influence].~~

~~{3} The supervisor shall be accessible to the supervisee for consultation.~~

~~(4) The supervisor shall be accessible to clients/patients of the supervisee for the purpose of answering questions and responding to concerns.~~

~~(5) The supervisor shall be responsible for the supervisee's services to each client/patient.~~

~~(6) The supervisor shall be empowered to interrupt or terminate the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship.~~

~~(7) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.~~

~~(8) The supervisor may not be the subject of a disciplinary action by a licensing board.~~

~~(9) The supervisor shall establish objectives to be achieved by the supervisee during supervision.]~~

~~[(10)] [The supervisor shall review] Review issues of practice and ethics with the [supervisee] psychology resident.~~

~~(E) Meet individually fact to face with the psychology resident for an average supervisory total of at least 2 hours per week.~~

~~[(11)] [The supervisor shall maintain] Maintain notes or records of scheduled supervisory sessions until the psychology resident obtains a license or for at least 10 years, whichever is greater.~~

~~[(12) The supervisor shall observe client/patient sessions of the supervisee or review verbatim recordings of these sessions on a regular basis.~~

~~(13) In regularly scheduled supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.~~

~~(14) The supervisor shall provide to the supervisee recommendations bearing on further development, shall encourage the supervisee to read widely in the professional literature and shall help the supervisee gain a level of skill necessary for independent practice.~~

~~(15) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.~~

~~(16) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.~~

~~(17) The supervisor may not accept fees, honoraria, favors or gifts from the supervisee.]~~

~~(18) [The supervisor shall ensure] (G) Ensure that the [supervisee's status as a] psychology [trainee] resident's status is made known to client/patients and to third party payors.~~

~~[(19) The supervisor shall ensure that the supervisee has access to multidisciplinary consultation, as necessary.]~~

(iv) Prohibitions on primary and delegated supervisors. Primary and delegated supervisors may not:

~~(A) — Be subject to the psychology resident's control or influence.~~

~~(B) — Be related to the psychology resident by blood or marriage~~

~~(C) — Be involved in a dual relationship, as defined in Principle 6(b) of the Code of Ethics (49 Pa. Code § 41.61, Principle (b)), with the psychology resident.~~

~~(D) — Treat or have treated the psychology resident.~~

~~(E) — Be the subject of active discipline by a licensing board. In the event that disciplinary action is taken against the supervisor during the supervisory period, the supervisor shall immediately notify the psychology resident and assist the psychology resident in immediately obtaining a new supervisor.~~

~~(F) — Accept fees, honoraria, favors or gifts from the psychology resident.~~

~~(v) — Additional responsibilities of primary supervisors. In addition to the responsibilities for primary and delegated supervisors in subparagraph (iii), primary supervisors shall:~~

~~(A) — Hold an active license to practice psychology for at least 2 years prior to commencing supervision and complete either a course in supervision from a psychology doctoral degree program or 3 hours of continuing education in supervision prior to the period of supervision.~~

~~(B) — Develop with the psychology resident objectives to be achieved during supervision.~~

~~(C) — Be accessible to the psychology resident for consultation and to clients/patients of the psychology resident to answer questions and respond to concerns.~~

~~(D) — Be responsible to each client/patient for psychology services provided by the psychology resident.~~

~~(E) — Be authorized to interrupt or terminate the services being provided by the psychology resident to a client/patient and, if necessary, to terminate the supervisory relationship.~~

~~(F) — Observe client/patient sessions of the psychology resident or review verbatim recordings of these sessions on a regular basis.~~

~~(G) — In regularly scheduled supervisory meetings, evaluate and apprise the psychology resident about areas of progress and needed improvement, recommend applicable professional literature and assist the resident in gaining a level of skill necessary for independent practice.~~

~~(H) — Prepare written evaluations/progress reports at least quarterly delineating the psychology resident's strengths and weaknesses. These evaluations/reports must be included with applicant's application for licensure.~~

~~(I) — Assist the psychology resident in working with professionals in other disciplines as indicated by the needs of each client/patient and periodically observe these cooperative encounters.~~

~~(J) — Ensure that the psychology resident has access to multidisciplinary consultation, as necessary.~~

~~(K) — Monitor the supervision provided by any delegated supervisor.~~

~~(L) Review issues of practice and ethics with the psychology resident.~~

~~(M) At the conclusion of the period of supervision, evaluate the psychology resident's level of professional competence and theoretical knowledge in the areas of assessment, diagnosis, effective interventions, consultation, evaluation of programs, supervision of others, strategies of scholarly inquiry, cultural/individual diversity and professional conduct. This evaluation shall be signed and included as part of the verification of post doctoral experience submitted to the Board with applicant's application for licensure.~~

(4) *Exceptional circumstances.* A psychology resident who cannot comply with the supervisory requirements, may, upon a showing of exceptional circumstances, request the Board to approve a detailed written plan for supervision. The granting of such a request is at the Board's discretion. The Board will evaluate each plan submitted and each psychology resident's situation on a case-by-case basis.

(5) *Effective date.* First-time applicants for licensure who commenced postdoctoral supervised experience prior to _____ (Editor's note: The blank refers to the date 6 months after publication of the final-form rulemaking) will have their postdoctoral experience credentials evaluated under regulations in effect prior to that date. Applicants who commence postdoctoral supervised experience after that date will have their postdoctoral experience evaluated under the regulations in effect at that time.

(6) *Supervised practice following completion of training.* Upon completion of the required supervisory hours, a psychology resident may practice psychology under the supervision of a licensed psychologist until the psychology resident obtains a license, under § 41.58 (relating to standards for the employment and supervision of unlicensed persons with

graduate training in psychology) or may practice psychology in exempt settings under section 3(4), (6), (8) and (10) of the act (63 P.S. § 1203(4), (6), (8), and (10)).

§ 41.33. SUPERVISORS.

(A) PRIMARY AND DELEGATED SUPERVISORS ARE REQUIRED TO:

(1) BE CURRENTLY LICENSED WHILE PROVIDING SUPERVISION.

(2) BE QUALIFIED BY TRAINING AND EXPERIENCE TO PRACTICE IN THE PSYCHOLOGY RESIDENT'S AREAS OF SUPERVISED PRACTICE.

(3) OWN, BE AN EMPLOYEE OF, OR BE IN CONTRACT STATUS WITH THE ENTITY EMPLOYING THE PSYCHOLOGY RESIDENT.

(4) REVIEW ISSUES OF PRACTICE AND ETHICS WITH THE PSYCHOLOGY RESIDENT.

(5) MEET INDIVIDUALLY FACE-TO-FACE WITH THE PSYCHOLOGY RESIDENT FOR AN AVERAGE SUPERVISORY TOTAL OF AT LEAST 2 HOURS PER WEEK.

(6) MAINTAIN NOTES OR RECORDS OF SCHEDULED SUPERVISORY SESSIONS UNTIL THE PSYCHOLOGY RESIDENT OBTAINS A LICENSE OR FOR AT LEAST 10 YEARS, WHICHEVER IS GREATER.

(7) ENSURE THAT THE PSYCHOLOGY RESIDENT'S STATUS IS MADE KNOWN TO CLIENT/PATIENTS AND TO THIRD-PARTY PAYORS.

(8) PREPARE WRITTEN EVALUATIONS/PROGRESS REPORTS AT LEAST QUARTERLY DELINEATING THE PSYCHOLOGY RESIDENT'S

STRENGTHS AND WEAKNESSES. THESE EVALUATIONS/REPORTS MUST BE INCLUDED WITH APPLICANT'S APPLICATION FOR LICENSURE.

(B) PRIMARY AND DELEGATED SUPERVISORS MAY NOT:

(1) BE SUBJECT TO THE PSYCHOLOGY RESIDENT'S CONTROL OR INFLUENCE.

(2) BE RELATED TO THE PSYCHOLOGY RESIDENT BY BLOOD OR MARRIAGE

(3) BE INVOLVED IN A DUAL RELATIONSHIP, AS DEFINED IN PRINCIPLE 6(B) OF THE CODE OF ETHICS (49 PA. CODE § 41.61, PRINCIPLE (B), WITH THE PSYCHOLOGY RESIDENT.

(4) TREAT OR HAVE TREATED THE PSYCHOLOGY RESIDENT.

(5) BE THE SUBJECT OF AN ACTIVE SUSPENSION OR REVOCATION BY A LICENSING BOARD. IN THE EVENT THAT DISCIPLINARY ACTION IS TAKEN AGAINST THE SUPERVISOR DURING THE SUPERVISORY PERIOD, THE SUPERVISOR SHALL IMMEDIATELY NOTIFY THE PSYCHOLOGY RESIDENT AND ASSIST THE PSYCHOLOGY RESIDENT IN IMMEDIATELY OBTAINING A NEW SUPERVISOR.

(6) ACCEPT FEES, HONORARIA, FAVORS OR GIFTS FROM THE PSYCHOLOGY RESIDENT.

(C) IN ADDITION TO THE RESPONSIBILITIES FOR PRIMARY AND DELEGATED SUPERVISORS IN PARAGRAPH (A), PRIMARY SUPERVISORS SHALL:

(1) BEGINNING _____ *(Editor's note: The blank represents the second complete licensure biennium following the date of the publication of the final-*

form rulemaking) COMPLETE EITHER A COURSE IN SUPERVISION FROM A PSYCHOLOGY DOCTORAL DEGREE PROGRAM OR 3 HOURS OF CONTINUING EDUCATION IN SUPERVISION.

(2) DEVELOP WITH THE PSYCHOLOGY RESIDENT OBJECTIVES TO BE ACHIEVED DURING SUPERVISION.

(3) BE ACCESSIBLE TO THE PSYCHOLOGY RESIDENT FOR CONSULTATION AND TO CLIENTS/PATIENTS OF THE PSYCHOLOGY RESIDENT TO ANSWER QUESTIONS AND RESPOND TO CONCERNS.

(4) BE RESPONSIBLE TO EACH CLIENT/PATIENT FOR PSYCHOLOGY SERVICES PROVIDED BY THE PSYCHOLOGY RESIDENT.

(5) BE AUTHORIZED TO INTERRUPT OR TERMINATE THE SERVICES BEING PROVIDED BY THE PSYCHOLOGY RESIDENT TO A CLIENT/PATIENT AND, IF NECESSARY, TO TERMINATE THE SUPERVISORY RELATIONSHIP.

(6) OBSERVE CLIENT/PATIENT SESSIONS OF THE PSYCHOLOGY RESIDENT OR REVIEW VERBATIM RECORDINGS OF THESE SESSIONS ON A QUARTERLY BASIS.

(7) AT LEAST QUARTERLY, IN SUPERVISORY MEETINGS, EVALUATE AND APPRISE THE PSYCHOLOGY RESIDENT ABOUT AREAS OF PROGRESS AND NEEDED IMPROVEMENT, RECOMMEND APPLICABLE PROFESSIONAL LITERATURE AND ASSIST THE RESIDENT IN GAINING A LEVEL OF SKILL NECESSARY FOR INDEPENDENT PRACTICE.

(8) ASSIST THE PSYCHOLOGY RESIDENT IN WORKING WITH PROFESSIONALS IN OTHER DISCIPLINES AS INDICATED BY THE NEEDS OF EACH CLIENT/PATIENT AND PERIODICALLY OBSERVE THESE COOPERATIVE ENCOUNTERS.

(9) ENSURE THAT THE PSYCHOLOGY RESIDENT HAS ACCESS TO MULTIDISCIPLINARY CONSULTATION, AS NECESSARY.

(10) MONITOR THE SUPERVISION PROVIDED BY ANY DELEGATED SUPERVISOR.

(11) AT THE CONCLUSION OF THE PERIOD OF SUPERVISION, EVALUATE THE PSYCHOLOGY RESIDENT'S LEVEL OF PROFESSIONAL COMPETENCE AND THEORETICAL KNOWLEDGE IN THE AREAS OF ASSESSMENT, DIAGNOSIS, EFFECTIVE INTERVENTIONS, CONSULTATION, EVALUATION OF PROGRAMS, SUPERVISION OF OTHERS, STRATEGIES OF SCHOLARLY INQUIRY, CULTURAL/INDIVIDUAL DIVERSITY AND PROFESSIONAL CONDUCT. THIS EVALUATION SHALL BE SIGNED AND INCLUDED AS PART OF THE VERIFICATION OF POST DOCTORAL EXPERIENCE SUBMITTED TO THE BOARD WITH APPLICANT'S APPLICATION FOR LICENSURE.

EXAMINATIONS

§ 41.41. Examinations.

(a) In order to be eligible to take either portion of the licensure examination(S), the applicant shall have obtained a doctoral degree in psychology or a field related to psychology and completed all degree requirements set forth in § 41.31 (relating to education qualifications).

(b) The licensure examination is composed of [a] two portions: the National Examination for Professional Practice in Psychology (EPPP) and [State portion] the Pennsylvania Psychology Law Examination (PPLE). Applicants shall obtain a passing score on each portion THE EXAMINATION FOR PROFESSIONAL PRACTICE IN PSYCHOLOGY AND THE PENNSYLVANIA PSYCHOLOGY LAW EXAMINATION. [to qualify for licensure.] Information about the contents of the examinationS is available from the Board office.

(c) If an applicant, without reasons satisfactory to the Board, fails to report for both the first examination and the one subsequent to it, the applicant's application will be considered to have been withdrawn. If the applicant wishes to take a future examination, a new application shall be submitted to the Board. The application will be reviewed on the basis of the law and the regulations existing at the time of submission.

(d) An applicant who has been deemed ineligible to take the examination(S) shall be notified in writing of the reasons for ineligibility, whereupon the applicant may, within 30 days of the notice, correct the causes for the ineligibility or file a request for reconsideration. A request for reconsideration must give the reasons for the applicant's request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider, and may include a request for an informal interview before the Board.

* * * * *

Commentator list for 16A-6315
Qualifications Regulations of the State Board of Psychology

Samuel Knapp, Ed.D., Director of Professional Affairs
Rachael Baturin, MPH, J.D., Professional Affairs Associate
Pennsylvania Psychological Association
416 Foster Street
Harrisburg, PA 17102-1748

William J. Kuprevich, Jr., D.O.
Kieren P. Knapp, D.O.
Pennsylvania Osteopathic Medical Association
1330 Eisenhower Boulevard
Harrisburg, PA 17111-2395



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

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7155

March 11, 2010

The Honorable Arthur Coccodrilli, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Psychology
16A-6315: Qualifications

Dear Chairman Coccodrilli:

Enclosed is a copy of a final rulemaking package of the State Board of Psychology pertaining to Qualifications.

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

Sincerely,

A handwritten signature in black ink that reads "Karen W. Edelstein Psy.D.".

Karen W. Edelstein, Psy.D., Chairperson
State Board of Psychology

KWE/JPS:bac

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Steven V. Turner, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
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-6315
SUBJECT: QUALIFICATIONS
AGENCY: DEPARTMENT OF STATE
STATE BOARD OF PSYCHOLOGY

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

RECEIVED
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INDEPENDENT REGULATORY
REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/11/10	<i>Chaimet Nicola</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Michael P. McGeehan</u>
3/11/10	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Robert M. Tomlinson</u>
3/11/10	<i>Kathy Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL (for Final Omitted only) LEGISLATIVE REFERENCE BUREAU (for Proposed only)