

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;"><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>		<p style="margin: 0;"><i>INDEPENDENT REGULATORY REVIEW COMMISSION</i></p> <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0; font-size: 1.5em; font-weight: bold;">RECEIVED</p> <p style="margin: 5px 0 0 0;">OCT 28 2021</p> <p style="margin: 0; font-size: 0.8em;">Independent Regulatory Review Commission</p> </div> <p style="margin: 10px 0 0 0;">IRRC Number: 3284</p>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Psychology</p>		
<p>(2) Agency Number: 16A Identification Number: 6326</p>		
<p>(3) PA Code Cite: § 49 Pa. Code §§ 41.1, 41.52a and 41.52b</p>		
<p>(4) Short Title: Licensure by Endorsement</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Jaime D. Black, Board Counsel, State Board of Psychology, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) (jaiblack@pa.gov).</p> <p>Secondary Contact: Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) jawolfgang@pa.gov.</p>		
<p>6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" type="checkbox"/> FINAL REGULATION</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Psychology to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining</p>		

requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

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

63 Pa.C.S. § 3111 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant, who pays fees established by the Board by regulation, provided the applicant meets certain criteria for eligibility. 63 Pa.C.S. § 3111 also requires boards and commissions that issue provisional licenses, certificates, registration or permits to set the expiration of the provisional endorsement license by regulation.

(9) 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.

63 Pa.C.S. § 3111(a)(5) requires the Board to set the fee to be charged by regulation and subsection (b)(2) requires the Board to set an expiration of the provisional endorsement license by regulation. Otherwise, it is not mandated by any Federal or state law or court order, or Federal regulation.

(10) 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 regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. Act 41 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Licensure by endorsement under 63 Pa.C.S. § 3111 helps eliminate unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. 63 Pa.C.S. § 3111 enables boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Board received and considered two licensure by endorsement applications and issued licenses to both. Based upon the number of applications received during the first year, the Board estimates receiving 5 applications on an annual basis.

(11) 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 standards applicable to the subject matter of the regulation.

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

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the State Board of Psychology's (Board) final regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the psychology field.

In comparing the final regulation to other states, the Board researched states in the Northeastern region of the United States. The Board identified only one other State (New Jersey) that has a comprehensive license by endorsement law that is applicable to the various professional licensing boards in New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing whose licensure standards are substantially equivalent to the current standards of New Jersey. Unlike 63 Pa.C.S. § 3111, New Jersey does not require applicants to demonstrate competency and does not provide discretion to issue a discretionary provisional license. While Pennsylvania's competency requirements may be more stringent than New Jersey, demonstration of competency is statutorily required under 63 Pa.C.S. § 3111. Moreover, for the most part, other states require similar continuing education for renewal; therefore, for the most part, showing competency will not negatively impact Pennsylvania's ability to compete.

A summary of the requirements for licensure by endorsement or reciprocity by these remaining states is as follows:

The Virginia Board grants licensure by endorsement to an applicant who is licensed or certified to practice psychology in another jurisdiction in which the requirements for licensing are substantially equivalent to those required by the Virginia Board, but the applicant must be a diplomat in good standing of the American Board of Professional Psychology; hold evidence of professional qualification from an individual certification program acceptable to the board; and taken and pass an examination on the Virginia laws and rules governing the practice of psychology.

The Vermont Board will grant licensure by endorsement to an applicant who is licensed at either the master's or doctoral level and in good standing in another U.S. or Canadian jurisdiction if, in the opinion of the Board, the other state has substantially equivalent standards. A state that requires as few as 1,500 hours of postdoctoral practice may be accepted as substantially equivalent. Doctoral level psychologists have additional mobility pathways. Diplomate status through the American Board of Professional Psychology (ABPP) is accepted as evidence that the psychologist has met qualifications on the level that Vermont requires. Vermont may also consider other professional certifications. Internationally educated candidates must have their education and training evaluated by one of four Board-approved organizations:

the Center for Applied Research, Evaluation & Education, Inc., Educational Records Evaluation Service, Inc., Evaluation Service, Inc., or World Education Services, Inc.

Connecticut, Delaware, Massachusetts, Ohio, Rhode Island, and West Virginia only have licensure by reciprocity. Maryland only offers “limited reciprocity” to an applicant from another state who seeks to work in Maryland while in the process of fulfilling state-specific examination requirements. In Maryland, the psychologist must file an application within 90 days of taking up residence in the state and is expected to take the next available examination. The Maine Board may, in its discretion, offer a conditional license without examination to any person who at the time of application is licensed by a similar board of another state whose standards, in the opinion of the board, are equivalent to those of Maine. But a conditional license is only effective for one year and requires that the licensee practice only under supervision. New Hampshire requires persons who wish to apply for a license as a psychologist and are already licensed in another state to answer written essay questions. New York does not offer reciprocity or licensure by endorsement.

Based on this information, the Board does not believe that the final amendments, which are necessary to effectuate the provisions of 63 Pa.C.S. § 3111, will put Pennsylvania at a competitive disadvantage. To the contrary, by allowing applicants to become licensed through endorsement who can demonstrate competency by experience in the practice of psychology for at least two of the five years immediately preceding the date of application, or by completing 30 hours of continuing education during the 24 months immediately preceding the date of application, and by providing for provisional licenses, which allows an applicant to hold a provisional license while the applicant is satisfying remaining requirements for licensure by endorsement, Pennsylvania will be at a competitive advantage over states that do not have licensure by endorsement.

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

This rulemaking does not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

On June 17, 2020, the Board submitted an exposure draft of the final regulation to stakeholders and interested parties, inviting public comment for 30 days. No comments were received. The Board published a notice of final rulemaking at 50 Pa.B. 7191 (December 19, 2020), for thirty days of public comment. The Board did not receive any public comments.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

For purposes of this rulemaking, the Board estimates that approximately five individuals will apply for licensure by endorsement on an annual basis. According to the Pennsylvania Department of Labor and Industry, in 2019 (the most recent year for which data is available) psychologists, including clinical,

counseling and school psychologists; industrial-organizational psychologists; and psychologists, all other, held approximately 192,300 jobs. The largest employers of psychologists were self-employed (31%); elementary and secondary schools, state, local and private (24%); ambulatory health care services (18%); government (9%); hospitals, state, local and private (6%). Some psychologists work alone, doing independent research, consulting with clients, or counseling patients. Others work as part of a healthcare team, collaborating with physicians, social workers and others to treat illness and promote overall wellness.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where psychologists may work, a small business classified under NAICS code elementary and secondary schools (NAICS code 611110) are considered small businesses if they have 12.0 million or less in average annual receipts. Miscellaneous ambulatory health care services (NAICS code 621999) are considered small businesses if they have 16.5 million or less in average annual receipts. General medical and surgical hospitals (NAICS code 622110) are considered small businesses if they have 41.5 million or less in average annual receipts. The Board does not collect data relating to business size but believes that the majority of psychologists in the Commonwealth work in "small businesses" as the term is defined by the SBA and the Regulatory Review Act. The Board, likewise, does not collect information on the size of the businesses where its licensees are employed. However, for purposes of determining the economic impact on small businesses, the Board must assume that a large number of its licensees either are, or work for, small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

This rulemaking only affects individuals who apply for licensure by endorsement. These individuals would be impacted by the \$105 fee to apply for licensure. This fee is the same amount as applicants who apply for initial licensing under § 41.12. For applicants who demonstrate competency by completing 30 hours of continuing education, these applicants will incur an additional cost of approximately \$750 to satisfy this requirement. Whether small businesses will be impacted by the regulations depends on whether the businesses would pay the initial application fee for licensure by endorsement under 63 Pa.C.S. § 3111 and whether employers voluntarily pay the costs of completing competency requirements, which include completion of continuing education. Because the application fees are incurred by individuals applying for initial licensure by endorsement under 63 Pa.C.S. § 3111, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Applicants for licensure by endorsement as a psychologist will be required to comply with the final regulation. The Board estimates an average of 5 licensure by endorsement applications a year for this profession. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Commonwealth will benefit from licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

The citizens of the Commonwealth will also benefit from the enhanced workforce and growth in economy while still having assurance of a level of competence similar to existing licensees in this Commonwealth. The Board has selected methods of competence, including experience or continuing education. These methods assure competency consistent with the provisions of 63 Pa.C.S. § 3111. The provisional endorsement license option also allows applicants who need to satisfy outstanding requirements, such as continuing education hours to demonstrate competency, to practice under a provisional license while the applicant satisfies the remaining requirements for licensure by endorsement. This pathway for licensure never existed before.

The financial impact of the regulation falls primarily on the applicants and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$105 application fee, which covers the costs of processing the application. This application fee is the same for all other applicants applying for licensure. For foreign applicants, if the other law, regulation or other rule is in a language other than English, § 41.51a(1) would require the applicant to have it professionally translated at the applicant's expense. The Board has been accepting and processing licensure by endorsement applications for approximately one year. The Board has not yet received any licensure by endorsement applications from foreign applicants.

To the extent that an applicant must complete continuing education to prove competency, an applicant may incur those costs to obtain continuing education credits. The average cost for current licensees to complete 30 hours of continuing education as a condition to biennial licensure renewal is between \$20 to \$30 per credit, or approximately \$750 per biennium. Therefore, an applicant who demonstrates competency through the completion of continuing education may incur a small fee for doing so. However, the requirement to prove competency is a statutory requirement and the continuing education competency method chosen by the Board is specifically authorized by 63 Pa.C.S. § 3111. Additionally, the requirement that an applicant complete 30 hours of continuing education during the 24 months immediately preceding the date of application, if the applicant has not actively engaged in the practice of psychology for two of the last five years, is no different than the existing continuing education requirement for all licensees. Regarding the requirement to complete three hours of training in child abuse recognition and reporting, this is a statutorily mandated requirement for all health-related licensees under the Child Protective Services Law (23 Pa.C.S. § 6383(b)(3)(i)). There should not be a negative fiscal impact for the child abuse recognition and reporting training because there are free in-person and online options available.

The positive impact for the applicants is that 63 Pa.C.S. § 3111 and the final regulation provide a new pathway to licensure that did not previously exist.

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

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth and its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent.

Regarding costs associated with demonstrating competency, the Board is authorized to select the methods of competency under section 63 Pa.C.S. § 3111(a)(2) and has provided applicants with two alternatives. Applicants who demonstrate competency through experience in the practice of psychology for at least 2 of the 5 years immediately preceding the date of application in the jurisdiction that issued the license will incur no costs to demonstrate competency. Applicants who demonstrate competency by completing 30 hours of continuing education during the 24 months immediately preceding the date of their application, will incur minimal costs to complete necessary continuing education. Additionally, completing the mandatory child abuse recognition and reporting training will not have a negative fiscal impact if the applicant chooses a free training course. Requiring licensees to take this training will have a positive impact on the profession and for Pennsylvania citizens because psychologists will be educated on recognizing child abuse and will also have specific training on how to report child abuse this Commonwealth.

(19) 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.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including paying the \$105 application fee and may incur costs associated with demonstrating competency. Since the effective date of Act 41, the Board has received two licensure by endorsement applications and issued a license to both. During this period, the total costs incurred for application fees was \$210. The applicants did not incur any costs to meet the competency requirement. The Board anticipates approximately five licensure by endorsement applications per year, which will result in approximate costs to the regulated community in the amount of \$525 annually ($\$105 \times 5 = \525). For applicants who demonstrate competency by completing 30 hours of continuing education, these applicants will incur an additional cost of approximately \$750 to satisfy this requirement. If all five of the anticipated number of licensure by endorsement applicants per year were to satisfy the competency requirement by completing continuing education, the cost to the regulated community would be approximately \$3,750 ($\$750 \times 5 = \$3,750$). In responding to paragraph 23 below, the cost reported includes the potential costs for continuing education, which assumes that all five of the anticipated number of licensure by endorsement applicants satisfy the competency requirement by completing 30 hours of continuing education.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the 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 Board will incur increased operational costs to implement the licensure by endorsement under 63 Pa.C.S. § 3111. The costs incurred by the Board should be recouped in the form of application fees paid by the applicants.

(22) For each of the groups and entities identified in items (19)-(21) above, 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.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for licensure accompanied by required documentation.

(22a) Are forms required for implementation of the regulation?

Yes, applicants will be required to submit an online application through the Pennsylvania Licensing System or PALS.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

The agency currently uses an online platform for the submission of applications for licensure through PALS, which also encompasses licensure by endorsement under 63 Pa.C.S. § 3111.

The Board has not yet developed an electronic application specifically for those applying for licensure through 63 Pa.C.S. § 3111. Applicants are asked to apply through the online platform for licensure and, to the extent necessary, this information is manually reviewed by Board counsel and the Board. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another jurisdiction and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in the final rulemaking as another state, territory or country, are instructed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed. Applicants with disciplinary history must upload appropriate documentation related to the discipline. Applicants must certify completion of training in child abuse recognition and reporting and provide a recent Criminal History Records Check (CHRC) from the state police or other state agency that is the official repository for criminal history record

information for every state in which they have lived, worked, or completed professional training/studies for the past five (5) years. Based upon the above, applications are forwarded to Board counsel, and to the Board, to determine eligibility under 63 Pa.C.S. § 3111. The Bureau is working towards creating a more detailed electronic application process specific to 63 Pa.C.S. § 3111 applications, which will decrease the need for manual review of applications. The Board has attached a paper application form which reflects the information currently being obtained through the existing online application process and the information that will be obtained through the online licensure by endorsement when it is developed. See Attachment "A."

(23) 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 21-22	FY +1 22-23	FY +2 23-24	FY +3 24-25	FY +4 25-26	FY +5 26-27
SAVINGS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community	\$210	\$210	\$4,275	\$4,275	\$4,275	\$4,275
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	\$210	\$210	\$4,275	\$4,275	\$4,275	\$4,275
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2018-2019 (actual)	FY -2 2019-2020 (actual)	FY -1 2020-2021 (estimated)	Current FY 2021-2022 (budgeted)
State Board of Psychology	\$819,781.72	\$624,972.71	\$656,000.00	\$638,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
 - (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the final regulation, including the type of professional skills necessary for preparation of the report or record.
 - (c) A statement of probable effect on impacted small businesses.
 - (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the final regulation.
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- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for initial licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
 - (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.
 - (c) The probable effect on impacted small businesses would be positive because to 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.
 - (d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of to 63 Pa.C.S. § 3111 that would be consistent with the Board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

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

No special provisions have been developed for any affected groups or persons.

(26) 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.

No alternative regulatory provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

- a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.
- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with the statute, or the Board's mandate.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

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

- A. The length of the public comment period: 30 days.
- B. The date or dates on which any public meetings or hearings will be held:

No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at public board meetings on June 15, 2020, August 3, 2020 and October 5, 2020.

- C. The expected date of the final-form regulation: Fall 2021.
- D. The expected effective date of the final-form regulation: Upon publication as final.
- E. The expected date by which compliance with the final-form regulation will be required: Upon publication as final.
- F. The expected date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board will meet on the following dates in 2021: October 18, 2021, and December 13, 2021. The Board will meet on the following dates in 2022: February 7, 2022, April 4, 2022, June 6, 2022, August 8, 2022, October 3, 2022, and December 5, 2022. More information can be found on the Board's website at www.dos.pa.gov/psychology.

ATTACHMENT “A”

STATE BOARD OF PSYCHOLOGY
P.O. Box 2649
Harrisburg, PA 17105-2649

Telephone: (717) 783-7155
Fax: (717) 787-7769
Website: www.dos.pa.gov/psychology
E-Mail: st-psychologyr@pa.gov

Courier Address:
2601 North Third Street
Harrisburg, PA 17110

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

PLEASE NOTE: If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Pennsylvania State Board of Psychology (Board) shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. All background check documents cannot be older than 90 days from the date of issuance.

1. REQUIREMENTS

- A. Hold a current license, certificate, registration or permit in good standing to practice psychology in a jurisdiction whose standards are substantially equivalent to or exceed those of the Board.
- B. Demonstrates competency by one of the following:
 - Experience in the practice of psychology by demonstrating, at a minimum, that the applicant has actively engaged in the practice of psychology in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of the application with the Board.
 - Completion of 30 continuing education hours that meet the requirements of section 41.59 of the Board's regulations (49 Pa. Code. § 41.59), regarding continuing education requirements during the 24 months immediately preceding the date of the application.
- C. Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license to practice psychology under the Professional Psychologists Practice Act (act) (63 P.S. §§ 1201-1218) or correlating Board regulations (49 Pa. Code §§ 41.1-41.92) and has not been disciplined by the jurisdiction that issued the license.
- D. Has paid the application fee of \$105.00 for licensure.
- E. Provides a copy of the current applicable law, regulation or other rule governing licensure requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

2. APPLICATION CHECKLIST

Persons licensed in other jurisdictions who possess a current license in good standing:

- Complete pages 1, 2 and 3 of the application.
If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name, legal document indicating the retaking of a maiden name, or court order).
- \$105.00 Application Fee – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
- Have the out-of-state licensing authorities in which you hold or have held a license to practice psychology submit a letter of good standing directly to the Pennsylvania State Board for Psychology with a state seal affixed to the letter.
- A Criminal Background Check from every state in which you have lived, worked or completed professional training/studies for the past five (5) years must be submitted. The criminal background check must be

completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593.

(If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction.)

- The Bureau of Professional and Occupational Affairs (BPOA), in conjunction with the Department of Human Services (DHS), is providing notice to all health-related licensees and funeral directors that are considered "mandatory reporters" under section 6311 of the Child Protective Services Law (CPSL) (23 P.S. § 6311), as amended, that EFFECTIVE JANUARY 1, 2015, all persons applying for issuance of an initial license shall be required to complete 3 hours of DHS-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board. [Child Abuse Continuing Education Providers Information can be found here.](#)
- Provide a Self-Query from the National Practitioner Data Bank completed within 90 days of submission of this application to the Board. A Self-Query can be requested online at www.npdb.hrsa.gov. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)
- A Child Abuse History Clearance completed by the Pennsylvania Department of Human Services, Child Line. The report must be dated within 90 days from the date this application is received in the Board office. The Pennsylvania Child Abuse History Clearance Form (CY 113) is available on the Department of Human Services web site at www.dhs.pa.gov. To check on the status of a request for the Child Abuse Clearance call 717-783-6211.

3. INFORMATION

- A. Any change in disciplinary status or criminal history after the submission of the application must be reported to the Board in writing.

STATE BOARD OF PSYCHOLOGY

Mailing Address:

P.O. Box 2649

Harrisburg, PA 17105-2649

Telephone: (717) 783-7155

E-Mail: www.dos.pa.gov/psychology

Courier Address (if using a mailing

service that requires a street address):

2601 North Third Street

Harrisburg, PA 17110

Fax: (717) 787-7769

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

INITIAL APPLICATION FEE: \$105.00 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

1. Name _____
(Last) (First) (Middle)

2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES NO

If yes, please provide the other name or names: _____

3. Address _____
(Street)

(City) (State) (Zip Code)

The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are not forwardable.

4. Telephone _____ Fax _____

5. E-Mail Address _____

6. Date of Birth _____

Social Security Number: _____

7. Select the license for which you are applying:

Psychologist

8. Competency Requirement

Experience:

Have you actively engaged in the practice of psychology in the jurisdiction that issued the license for at least 2 of the last 5 years immediately preceding the filing of this application?

Yes No

If you responded "Yes", provide a curriculum vitae demonstrating this experience.

Continuing education:

Have you completed 30 continuing education hours that meet the requirements of the regulations (49 Pa. Code. § 41.59) during the 24 months immediately preceding the date of this application?

Yes No

If you responded "Yes", submit proof of completion of professional development hours.

9. Name of state where initial license to practice psychology was issued.

Date initial license was issued _____.

List any other state, territory or country where you hold or have held a license to practice psychology.

Have the licensing authority listed above submit a letter of good standing (verification of licensure) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure requirements and scope of practice in the jurisdiction that issued the license.

		YES	NO
10.	<p>Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction?</p> <p>If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.</p> <p>_____</p> <p>_____</p> <p>The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.</p>		YES	NO
11.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Do you currently engage in or have you ever engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?	<input type="checkbox"/>	<input type="checkbox"/>
16.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?	<input type="checkbox"/>	<input type="checkbox"/>
17.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Have you ever been charged by a hospital, university, or research facility with violating research	<input type="checkbox"/>	<input type="checkbox"/>

protocols, falsifying research, or engaging in other research misconduct?		
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NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

Applicant's Statement:

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

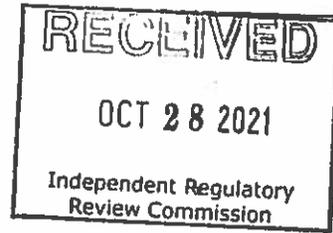
Applicant's Signature

Date

CDL-1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)



DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by</p> <p><u>Pennsylvania Department of State</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-6326</u></p> <p>DATE OF ADOPTION. _____</p> <p>BY: <u><i>Richard F. Small</i></u> Richard F. Small, Ph.D.</p> <p>TITLE <u>Chairman</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies</p> <p>BY: <u><i>Cheryl...</i></u> (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><u>October 15, 2021</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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FINAL RULEMAKING

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

49 PA. CODE CHAPTER 41

LICENSURE BY ENDORSEMENT

The State Board of Psychology (Board) hereby amends, Chapter 41 by adding §§ 41.52a and 41.52b (relating to licensure by endorsement; and provisional endorsement license) and amending § 41.1 (relating to definitions) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The provisions of 63 Pa.C.S. 3111 (relating to licensure by endorsement) require licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Purpose

This final form rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111, requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of provisional endorsement license. This final form rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for a provisional license, including expiration and termination provisions.

Comments to the Proposed Rulemaking

The Board published a notice of proposed rulemaking at 50 Pa.B. 7191 (December 19, 2020), for thirty days of public comment. The Board did not receive any public comments. IRRC reviewed the proposed regulation and informed the Board that it had no objections, comments, or recommendation to offer on the proposed regulation. The Board did not receive any comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.15).

Amendments to the Final Rulemaking

Under § 41.52a(b), an applicant may be required to appear before the Board for a personal interview and may be requested to submit additional information, including supporting documentation relating to competency and experience. In drafting the final rulemaking, the Board clarifies that an applicant may request the interview to be conducted by video teleconference for good cause. The Board wishes to ensure an alternative to in-person interview if circumstances warrant a video teleconference. Additionally, the Board revised § 41.52b(c) to make clear that a provisional endorsement license terminates when the Board denies or grants a license.

Fiscal Impact and Paperwork Requirements

This final form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$105 initial application fee in § 41.12 and may incur continuing education expenses if they choose to demonstrate competency by completing 30 hours of continuing education. Applicants who demonstrate competency through experience will have to pay the \$105 initial application fee. All applicants must complete child abuse recognition and reporting training, as required by the CPSL, 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training). There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) and (f) of the Regulatory Review Act (71 P.S. § 745.5(a) and (f)), on December 9, 2020, the Board submitted a copy of the notice of proposed rulemaking, published at 50 Pa.B. 7191 (December 19, 2020), to IRRC and the Legislative Reference Bureau. The Board subsequently submitted the notice of proposed rulemaking to the Chairpersons of the HPLC and

the SCP/PLC for review and comment on February 19, 2021, as required under section 5(f) of the Regulatory Review Act. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested. No public comments were submitted on the proposed rulemaking, and IRRC did not submit any comments on this rulemaking. The Board received no comments from the HPLC or the SCP/PLC.

On October 28, 2021, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on , 2021, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on ,2021, and approved the final-form rulemaking.

Additional Information

Further information may be obtained by contacting the Board Administrator, State Board of Psychology, P.O. Box 2649, Harrisburg, PA 17105-2649. Please reference No. 16A-6326 (Licensure by Endorsement), when requesting information.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law.
- (3) This final-form rulemaking does not include any amendments that would enlarge the scope of proposed rulemaking published at 50 Pa. B. 7191 (December 19, 2020).
- (4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the 63 Pa.C.S. § 3111.

Order

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board at 49 Pa. Code §§ 41.1, 41.52a, and 41.52b are amended and added to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

- (c) The Board shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.
- (d) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (e) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

Richard F. Small, Ph.D
Chairperson
State Board of Psychology

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:

* * * * *

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Jurisdiction – A state, territory or country.

National Register – The Council for the National Register of Health Service Providers.

* * * * *

MISCELLANEOUS

§ 41.52a. Licensure by endorsement.

(a) Requirements for issuance. To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant must satisfy all of the following requirements:

(1) Has a current license, certification, registration or permit in good standing to practice psychology in another jurisdiction whose standards are substantially equivalent to or exceed those established by the Board under section 6 of the act (63 P.S. § 1206) and §§ 41.31 and 41.32 (relating to educational qualifications; and experience qualifications).

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certification, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrates competency by one of the following:

(i) Experience in the practice of psychology by demonstrating, at a minimum, that the applicant has actively engaged in the practice of psychology in the jurisdiction that issued the license, certificate, registration or permit for 2 of the last 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 30 hours of continuing education that meets the requirements of § 41.59 (relating to continuing education) during the 24 months immediately preceding the date of the application.

(3) Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license to practice psychology under section 8 of the act (relating to refusal, suspension or revocation of license) (63 P.S. § 1208).

(4) Has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Has paid the initial application fee as set forth in § 41.12 (relating to fees).

(6) Satisfies application requirements as required by the act and this chapter, including § 41.30(b)(2) and (3) (relating to qualifications and documentation necessary for licensure).

(7) Completes 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) Interview and additional information. An applicant may be required to appear before the Board for a personal interview and may be requested to submit additional information, including supporting documentation relating to competency and experience. THE APPLICANT MAY REQUEST THE INTERVIEW TO BE CONDUCTED BY VIDEO TELECONFERENCE FOR GOOD CAUSE SHOWN.

(c) Prohibited acts. Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 8 of the act or disciplinary action by a

jurisdiction are not impediments to the granting of a license by endorsement under 63 Pa.C.S. § 3111.

§ 41.52b. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), and § 41.52a(a) (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates as follows:

(1) The provisional endorsement license terminates when the Board denies OR GRANTS the license.

(2) Failure to comply with the terms of a provisional endorsement license will result in termination of the provisional endorsement license.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 41.52a after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.



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

October 28, 2021

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Psychology
16A-6326: Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Psychology pertaining to licensure by endorsement.

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, appearing to read "Richard F. Small".

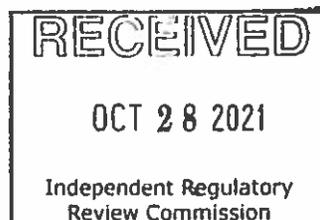
Richard F. Small, Ph.D., Chairperson
State Board of Psychology

RFS/jdb:bmz
Enclosure

cc: K. Kalonji Johnson, Commissioner of Professional and Occupational Affairs
Pamela Iovino, Deputy Secretary of Regulatory Programs
Marc Farrell, Deputy Director of Policy, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Regulatory Unit Counsel, Department of State
Jaime D. Black, Counsel, State Board of Psychology
State Board of Psychology

Worthington, Amber

From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Thursday, October 28, 2021 8:34 AM
To: Worthington, Amber; Blauch, Tammy
Subject: RE: DELIVERY 16A-6712 & 16A-6326



Received.

Jen Smeltz
Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Robert M. Tomlinson
Phone: (717) 787-5072

From: Worthington, Amber <agontz@pa.gov>
Sent: Thursday, October 28, 2021 8:20 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>; Blauch, Tammy <tblauch@pasen.gov>
Subject: DELIVERY 16A-6712 & 16A-6326
Importance: High

Ⓞ CAUTION : External Email Ⓞ

The State Board of Psychology and State Board of Occupational Therapy Education and Licensure are delivering the following final rulemakings today **Thursday, October 28, 2021**:

- State Board of Psychology: 16A-6326 Licensure by Endorsement
- State Board of Occupational Therapy Education and Licensure: 16A-6712 Educational Programs

PLEASE provide a written (email) CONFIRMATION of receipt of this notice.

Amber A. Worthington, PLS | Legal Assistant Supervisor
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov

(preferred pronouns: they, them, theirs)

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

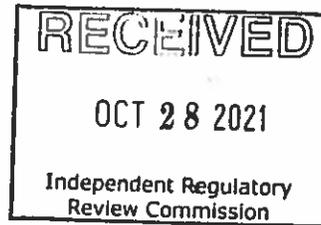
From: [Livingston, Jerry](#)
To: [Worthington, Amber](#); [Vazquez, Enid](#)
Subject: Re: DELIVERY 16A-6712 & 16A-6326
Date: Thursday, October 28, 2021 8:51:44 AM

Received. Thank you!

J.J. Livingston

Executive Director
Office of Senator Lisa Boscola

Phone 717-787-4236
Jerry.Livingston@pasenate.com



Sent via mobile device. Please excuse any typing or grammatical errors.

From: Worthington, Amber <agontz@pa.gov>
Sent: Thursday, October 28, 2021 8:20:06 AM
To: Livingston, Jerry <Jerry.Livingston@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Subject: DELIVERY 16A-6712 & 16A-6326

■ EXTERNAL EMAIL ■

The State Board of Psychology and State Board of Occupational Therapy Education and Licensure are delivering the following final rulemakings today **Thursday, October 28, 2021**:

- State Board of Psychology: 16A-6326 Licensure by Endorsement
- State Board of Occupational Therapy Education and Licensure: 16A-6712 Educational Programs

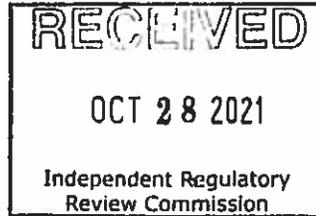
PLEASE provide a written (email) CONFIRMATION of receipt of this notice.

Amber A. Worthington, PLS | Legal Assistant Supervisor
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov
(preferred pronouns: they, them, theirs)
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Worthington, Amber

From: Nicole Sidle <Nsidle@pahousegop.com>
Sent: Thursday, October 28, 2021 8:52 AM
To: Worthington, Amber; Emily Hackman
Subject: RE: DELIVERY 16A-6712 & 16A-6326



Received.

From: Worthington, Amber <agontz@pa.gov>
Sent: Thursday, October 28, 2021 8:20 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Emily Hackman <Eepler@pahousegop.com>
Subject: DELIVERY 16A-6712 & 16A-6326
Importance: High

The State Board of Psychology and State Board of Occupational Therapy Education and Licensure are delivering the following final rulemakings today **Thursday, October 28, 2021**:

- State Board of Psychology: 16A-6326 Licensure by Endorsement
- State Board of Occupational Therapy Education and Licensure: 16A-6712 Educational Programs

PLEASE provide a written (email) CONFIRMATION of receipt of this notice.

Amber A. Worthington, PLS | Legal Assistant Supervisor
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov

(preferred pronouns: they, them, theirs)

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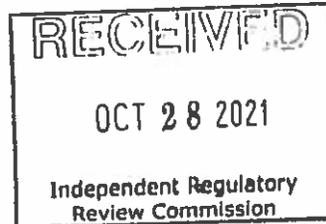
Worthington, Amber

From: Wilson, Marlene <MWilson@pahouse.net>
Sent: Thursday, October 28, 2021 10:48 AM
To: Worthington, Amber
Subject: RE: DELIVERY 16A-6712 & 16A-6326

Received. Thank you.



*Marlene Wilson, Esquire
Senior Committee Executive Director
House Professional Licensure Committee
Rep. Jake Wheatley, Jr., Chairman
Phone: (717) 787-4032
Internal Phone: 6253
Email - mwilson@pahouse.net*



From: Worthington, Amber <agontz@pa.gov>
Sent: Thursday, October 28, 2021 8:20 AM
To: Wilson, Marlene <MWilson@pahouse.net>
Subject: DELIVERY 16A-6712 & 16A-6326
Importance: High

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