

Comments of the Independent Regulatory Review Commission



State Board of Psychology Regulation #16A-6317 (IRRC #3437)

Continuing Education

July 30, 2025

We submit for your consideration the following comments on the proposed rulemaking published in the May 31, 2025 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Psychology (Board) to respond to all comments received from us or any other source.

1. Section 41.59. Continuing education. – Clarity.

Subsection (d.2) Acceptable courses.

Section 41.59 (d.2)(1) states that it is the responsibility of the psychologist to ascertain the approval status of the sponsor before undertaking a continuing education activity. The Board currently provides a list(s) of approved sponsors of continuing education on its website. Having the list(s) readily available on the Board’s website not only better serves the regulated community through its convenience but assists with compliance. We, therefore, recommend that the regulatory text of the final rulemaking specify that the list(s) of approved sponsors of continuing education is available on the Board’s website.

Subsection (e) Distance education.

Under this subsection, psychologists may fulfill all of their continuing education requirements through distance education offered by approved sponsors **“as long as the course has specific learning objectives and the sponsor evaluates the extent of learning that has taken place.”** Emphasis added.

In Sections 41.59 (d.1)(3)(i)-(iii), the Board is proposing requirements that must be met by all sponsors of continuing education. Subparagraphs (i) and (ii) were previously set forth at Section 41.59(d)(4). These provisions require sponsors to “offer courses with specific learning objectives” and “to have a procedure for determining learners’ perceptions of the extent to which the objectives have been met,” respectively.

Section 41.59(d.1)(3)(iii) is proposed to be added. It requires sponsors of continuing education courses to identify on the certificates or transcripts certain information about the number of contact hours devoted to substantive issues, ethics, child abuse recognition and reporting, diversity, and the assessment, treatment, and management of suicide risks and the method by which the course was provided.

Our concern is that the qualifying language retained in subsection (e) may be misconstrued to mean that sponsors of distance education courses have separate responsibilities from sponsors of in-person education. To make clear that the provisions of Section 41.59 (d.1)(3) apply to all sponsors of continuing education courses, including those offering courses through distance education, the Board should amend subsection (e) by replacing “has specific learning objectives and the sponsor evaluates the extent of learning that has taken place” with “meets the requirements of Section 41.59(d.1)(3).”

Subsection (j) Waivers.

Under this provision, the Board may waive all or part of the continuing education requirement upon proof that the licensee seeking the waiver is unable to fulfill continuing education requirements because of illness, emergency, or hardship. These waiver requests will be evaluated by the Board on a case-by-case basis and will be approved or disapproved at its discretion.

For consistency with similar provisions relating to sponsor approval and withdrawal of approval, the Board should revise the rulemaking to provide for notification in writing of the reasons for disapproval of a waiver request.

2. Miscellaneous clarity.

- Section 41.59 (b) is being amended to refer to the Board's standards for acceptable courses and sponsors in subsection (d). The reference to subsection (d) in Paragraph (1) should be deleted and replaced with references to (d.1) and (d.2);
- For consistency, we recommend that Section 41.59(f)(3) be amended by inserting “teacher or course” before “instructor.” Additionally, we suggest that “A psychologist serving as” be inserted before “A teacher...” for clarity and consistency; and
- In Sections 41.59(f)(3) and (g)(2) “continuing education contact hours” is utilized instead of “contact hours.” We ask the Board to be consistent in the use of “contact hours” throughout the body of the regulation.