

PROPOSED RULEMAKING

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Continuing Education—Ethics

The State Board of Psychology (Board) proposes to amend § 41.59 (relating to continuing education).

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

The proposed rulemaking answers these questions. Section 41.59(b) would clarify that the excess contact hours may only be carried over from the immediately preceding biennium.

Additionally, § 41.59(b) would be amended to clarify that excess contact hours obtained in ethical issues may also only be carried over from the immediately preceding biennium to the next; however, they may not be used to satisfy the ethics requirement. Rather, the excess ethical contact hours may be credited toward the total requirement. The Board believes that for licensees to maintain current proficiency in ethical issues and protect the public, licensees must take continuing education in ethical issues each biennium.

An example of the application of the proposed amendment follows. A licensee obtains 35 contact hours in a biennial period—30 contact hours in general topics and 5 contact hours in ethical issues. The licensee may carry over the 5 extra contact hours (which includes the 2 additional contact hours in ethical issues) to satisfy the general requirement for the next biennium. In the next biennium, the licensee would be required to obtain 25 contact hours—3 contact hours in ethical issues and 22 contact hours in any acceptable courses.

Fiscal Impact

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

Paperwork Requirements

The proposed rulemaking should create only minimal paperwork requirements on licensees who choose to carry-over continuing education contact hours from 1 biennium to another. Licensees are currently required by § 41.59(c) to retain certificates, transcripts or other documentation evidencing completion of the required continuing education for at least 2 bienniums. Licensees who choose to carry over the prescribed number of contact hours may be required to provide documentation with their renewal application that they have not used the carry-over hours in the prior biennium.

Compliance with Executive Order 1996-1

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

Statutory Authority

This rulemaking is proposed under section 15 of the Professional Psychologists Practice Act (63 P. S. § 1215).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 30, 2001, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the proposed rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Judith Pachter Schulder, Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-639 when submitting comments.

ALEX M. SIEGEL, Ph. D./J.D.,
Chairperson

Fiscal Note: 16A-639. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 41. STATE BOARD OF PSYCHOLOGY MISCELLANEOUS

§ 41.59. Continuing education.

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(b) *Continuing education requirement for biennial renewal.* As a condition of biennial license renewal, a

psychologist shall have completed during the preceding biennium a minimum of 30 contact hours (3 CEUs) of continuing education in acceptable courses, programs or activities which shall include at least 3 contact hours per biennium in ethical issues. Up to 10 contact hours in excess of 30 from the **immediately** preceding biennium may be carried over from one biennium to the next. **Excess hours in ethical issues may not be used to satisfy the ethics requirement for the succeeding biennium but may be credited toward the total requirement.**

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