



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Psychology, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	18VA125-20-10 et seq.
<b>Regulation title</b>	Regulations Governing the Practice of Psychology
<b>Action title</b>	Revisions of continuing education requirements
<b>Document preparation date</b>	4/2/07

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Board's intent is to respond to a petition for rulemaking, and to update and clarify its requirements for continuing education. Continuing education hours have been required for renewal of licensure since 2004, so the Board has now encountered several issues relating to its requirements that it intends to address in the promulgation of amendments that will clarify the regulations and make them less burdensome for licensee compliance.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Psychology the authority to promulgate regulations to administer the regulatory system:

**§ 54.1-2400 -General powers and duties of health regulatory boards**

*The general powers and duties of health regulatory boards shall be:*

...

*6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title. ...*

The specific statutory mandate for continuing education requirements is found in § 54.1-3606.1:

*§ 54.1-3606.1. Continuing education.*

*A. The Board shall promulgate regulations governing continuing education requirements for psychologists licensed by the Board. Such regulations shall require the completion of the equivalent of fourteen hours annually in Board-approved continuing education courses for any license renewal or reinstatement after the effective date.*

*B. The Board shall approve criteria for continuing education courses that are directly related to the respective license and scope of practice of school psychology, applied psychology and clinical psychology. Approved continuing education courses for clinical psychologists shall emphasize, but not be limited to, the diagnosis, treatment and care of patients with moderate and severe mental disorders. Any licensed hospital, accredited institution of higher education, or national, state or local health, medical, psychological or mental health association or organization may submit applications to the Board for approval as a provider of continuing education courses satisfying the requirements of the Board's regulations. Approved course providers may be required to register continuing education courses with the Board pursuant to Board regulations. Only courses meeting criteria approved by the Board and offered by a Board-approved provider of continuing education courses may be designated by the Board as qualifying for continuing education course credit.*

*C. All course providers shall furnish written certification to licensed psychologists attending and completing respective courses, indicating the satisfactory completion of an approved continuing education course. Each course provider shall retain records of all persons attending and those persons satisfactorily completing such continuing education courses for a period of four years following each course. Applicants for renewal or reinstatement of licenses issued pursuant to this article shall retain for a period of four years the written certification issued by any course provider. The Board may require course providers or licensees to submit copies of such records or certification, as it deems necessary to ensure compliance with continuing education requirements.*

*D. The Board shall have the authority to grant exemptions or waivers or to reduce the number of continuing education hours required in cases of certified illness or undue hardship.*

**Substance**

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

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Included in its amendments recommended for consideration are:

- 1) A reduction in the number of hours that must be obtained in face-to-face courses, which is currently set at half of the 14 required hours. The Board will consider a reduction to 3 or 4 hours of face-to-face hours to retain the advantage of interaction with one’s peers in a learning experience but would allow for more self-study;
- 2) Specification of the term “educational experiences” to include learning activities such as research and publication. There are activities listed in Social Work and Counseling regulations that are acceptable for continuing education credit; the Board will consider adoption of language to expand the “definition” of an educational experience and also consider identifying the number of hours that may be counted for other types of learning activities;
- 3) Acceptance of courses approved by other state boards of psychology to facilitate renewal for psychologists who are licensed in one than one jurisdiction;
- 4) Identification of associations, organizations and institutions that are approved providers, so licensees have a list of providers from which to chose continuing education courses; and
- 5) Review of process and criteria for approval of continuing education providers; the Board will consider elimination of board-approval in lieu of an expanded listing of approved providers in regulation. If approval of individual providers is retained, the Board will consider an increase in the fee for reviewing applications and renewing providers to support the cost of contracting out the review process.

The Code of Virginia requires “*criteria for continuing education courses that are directly related to the respective license and scope of practice of school psychology, applied psychology and clinical psychology. Approved continuing education courses for clinical psychologists shall emphasize, but not be limited to, the diagnosis, treatment and care of patients with moderate and severe mental disorders.*” Therefore, any modification of the continuing education requirements must protect the health and safety of the public by conforming to the Code in relating to the practice of the psychologist in his care and treatment of clients or patients.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

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In considering its response to a petition for rulemaking to eliminate the face-to-face requirement in continuing education, the Board held discussion about the subject of the petition and other suggested changes to regulations for continuing education. To avoid piecemeal revision of CE requirements, the Board voted to refer the issue to the Regulatory Review Committee for further consideration. After a thorough review and discussion of the Psychology regulations and law on continuing education, the Committee recommended that the Board consider certain changes that would expand the offerings for approved CE, reduce the hours of face-to-face CE, and clarify the list of approved providers. In its development of proposed regulations, the Board will consider requirements of the other behavioral science professions and other health professions within the Department.

**Family impact**

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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There is no potential impact of the proposed regulatory action on the institution of the family and family stability.