



Fast Track Proposed Regulation Agency Background Document

Agency name	Board of Psychology, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC125-20-10 et seq.
Regulation title	Regulations Governing the Practice of Psychology
Action title	Credential accepted for endorsement/continuing education hours
Date this document prepared	2/27/14

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

Amendments will: 1) specify that the Board may accept the Certificate of Professional Qualification in Psychology as evidence of education, examination and supervised training for licensure by endorsement; 2) clarify the intent of the requirement of 1.5 hours per year in “ethics” to include courses in laws and regulations governing the profession and in the standards of practice set out in regulation; and 3) allow two hours of continuing education for membership on a state licensing board in psychology.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

CPQ = Certificate of Professional Qualification in Psychology

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On February 11, 2014, the Board of Psychology adopted amendments to 18VAC125-20-10 et seq., Regulations Governing the Practice of Psychology.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Chapter 24 of Title 54.1 establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations.

§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:

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.

Statutory provisions requiring licensure and continuing education for renewal of licensure in psychology are found in §§ 54.1-3606 and 54.1-3606.1.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose of the amendments are to clarify the intent of a requirement for 1.5 hours in ethics for continuing education and to accept the CPQ credential as evidence of qualification for licensure by endorsement. The CPQ is a credentials bank maintained by the Association of State and Provincial Psychology Boards which ensures that a licensee has met educational, examination and experience requirements for licensure so states can readily license applicants who are minimally competent to provide safe and effective services. Clarification of the requirement for continuing education in ethics will assist licensees in remaining current with laws and regulations, including the standards of practice. Adherence to the standards of practice

in the profession assures that a licensee will not face disciplinary action and is able to protect the health, safety and welfare of his clients.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

The Board has received several requests to explain the “ethics” requirement in continuing education, so the amendment will be acceptable to those seeking clarification. Additionally, the acceptance of CPQ for licensure by endorsement has been board policy for a number of years, so the addition in regulation is recognition of current practice. Therefore, the Board does not expect any of the changes to be controversial or consequential.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the “Detail of changes” section.) Please be sure to define any acronyms.

Amendments will: 1) specify that the Board may accept the Certificate of Professional Qualification in Psychology as evidence of education, examination and supervised training for licensure by endorsement; 2) clarify the intent of the requirement of 1.5 hours per year in “ethics” to include courses in laws and regulations governing the profession and in the standards of practice set out in regulation; and 3) allow two hours of continuing education for membership on a state licensing board in psychology.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

- 1) The primary advantage of the amendments is clarification of current rules and practices. There are no disadvantages to the public
- 2) There are no advantages or disadvantages to the Commonwealth.
- 3) There are no other pertinent issues.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There is no requirement more restrictive than federal requirements

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities particularly affected.

Regulatory flexibility analysis

Pursuant to §2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

There is no regulatory flexibility to accomplish the intent of this action; the changes are clarifying in nature.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that we are looking at the impact of the proposed changes to the status quo.

<p>Description of the individuals, businesses or other entities likely to be affected (positively or negatively) by this regulatory proposal. Think broadly, e.g., these entities may or may not be regulated by this board</p>	<p>Entities possibly affected would be applicants for licensure by endorsement who may hold the CPQ and licensees who are unclear about the intent of 1.5 hours in ethics CE. Members of the Board of Psychology will be able to count 2 hours of CE for their work on the Board.</p>
<p>Agency’s best estimate of the number of (1) entities that will be affected, including (2) small</p>	<p>There is no estimate of the number of applicants or licensees who are or will be affected, but it is</p>

businesses affected. Small business means a business, including affiliates, that is independently owned and operated, employs fewer than 500 full-time employees, or has gross annual sales of less than \$6 million.	expected to be a small number. There are 7 licensees who are members of the Board will may benefit from the 2 hours of CE credit.
Benefits expected as a result of this regulatory proposal.	Greater clarification of rules governing licensure by endorsement and continuing education.
Projected cost to the state to implement and enforce this regulatory proposal.	There are no costs to implement.
Projected cost to localities to implement and enforce this regulatory proposal.	None
All projected costs of this regulatory proposal for affected individuals, businesses, or other entities. Please be specific and include all costs, including projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses, and costs related to real estate development.	There are no projected costs.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

There are no alternatives that will achieve the essential purpose of the action.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the family.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

Current section number	Current requirement	Proposed change, intent, and likely impact of proposed requirements
42	Sets out the credentials required for licensure by endorsement	<p>An amendment will allow documentation of the CPQ to qualify an applicant for licensure by endorsement.</p> <p><i>All applicants must also provide verification of licensure in another jurisdiction and a current report from the National Practitioner Data Bank so the Board will know whether they have had disciplinary action and/or malpractice awards. The CPQ is maintained by the Association of State and Provincial Psychology Boards to expedite the licensure application process. It is issued to psychologists who are licensed in the U.S. or Canada, Have met standards of educational preparation supervised experience and examination, have practiced for a minimum of five years, and have no history of disciplinary action. For a number of years, the Board has accepted the CPQ as evidence of education and examination. The addition of the CPQ credential to documentation acceptable for licensure will facilitate the application process for some psychologists.</i></p>
121	Sets out requirement for continuing education courses for renewal of an active license	<p>An amendment to subsection A will clarify the intent of requiring 1.5 hours in ethics or standards of practice. In the amended language, the Board has specified that the 1.5 hours must emphasize ethics, laws and regulations, including the standards of practice set out in section 150. <i>Questions often arise about whether the “standards of practice” refer to those of the professional association or those contained in regulation. Since the Board disciplines based on law or regulation, the licensee is held to those standards rather than to those of a professional association.</i></p> <p>The amendment to subsection B will allow a licensee who is a member of a state licensing board to obtain up to two hours of continuing education per renewal cycle.</p> <p><i>Board members usually acquire more than the requisite number of CE hours, so this amendment is intended to recognize the work of members in considering policy and disciplinary matters. The Board of Counseling allows up to 8 hours of CE for professional leadership positions, so the two-hour allowance is modest by comparison.</i></p>