

FINAL REGULATION SUBMISSION PACKAGE

SUMMARY OF PROPOSED REGULATIONS

18 VAC 125-20-10 et seq.

Amendments to Regulations Governing the Practice of Psychology update the education and experience requirements for all three licensure categories based changes to the scope of practice definitions enacted in 1996, current national degree program standards and recent changes in internship oversight by degree programs. The Board has included extensive reformatting of the regulations to accommodate the new requirements, eliminate obsolete language, and add new language for clarification where needed.

To expedite the licensure process for applicants with lengthy experience licensed in other jurisdictions, the Board has developed a waiver of the state examination requirement for individuals meeting certain criteria.

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REGULATIONS GOVERNING THE PRACTICE OF PSYCHOLOGY

18 VAC 125-20-10 et seq.

**AGENCY CONTACT FOR OBTAINING COPIES OF THE
REGULATION:**

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STATEMENT OF FINAL AGENCY ACTION

On October 23, 1998 the Board of Psychology adopted final amendments to regulations 18 VAC 125-20-10 et seq., completing the regulatory review mandated by Executive Order 15 (94).

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EXPLANATION OF SUBSTANTIAL CHANGES

No substantial changes have been made since the publication of the proposed regulations on July 5, 1999.

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SUMMARY OF PUBLIC COMMENT AND AGENCY RESPONSE

Proposed regulations were published in the Virginia Register on July 3, 1999, initiating the 60-day public comment period. A public hearing was held on Friday, July 9, 1999. No public comment was offered. One written comment was received in support of the proposed changes. Based on the lack of opposition to the proposed changes, the Board adopted the text as final regulation.

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18 VAC 125-20-10 et seq.

SUMMARY

Amendments to Regulations Governing the Practice of Psychology update the education and experience requirements for all three licensure categories based changes to the scope of practice definitions enacted in 1996, current national degree program standards and recent changes in internship oversight by degree programs. The amendments also include extensive reformatting of the regulations to accommodate the new requirements, eliminate obsolete language, and add new language for clarification where needed.

To expedite the licensure process for applicants with lengthy experience licensed in other jurisdictions, the amendments include a waiver of the state examination requirement for individuals meeting certain criteria.

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STATEMENT OF BASIS, PURPOSE, ISSUES AND IMPACT

1. Basis of the Regulation:

Title 54.1, Chapter 24 and Chapter 36 of the *Code of Virginia* provide the basis for these regulations.

Chapter 24 establishes the general powers and duties of the health regulatory boards including the power to assess fees, establish qualifications for licensure and the responsibility to promulgate regulations.

Chapter 36 establishes the Board of Psychology and authorizes that board to administer the licensure of applied psychologists, clinical psychologists and school psychologists.

§54.1-103 authorizes the board to promulgate regulations specifying additional training or conditions for individuals seeking licensure by reciprocity or endorsement.

In addition, § 54.1-2940 directs the board to develop regulations establishing the requirements for licensure of clinical psychologists with appropriate emphasis and experience in the diagnosis and treatment of persons with moderate and severe mental disorders, and to collaborate with the Board of Medicine's Committee on the Certification of Clinical Psychologists.

2. Statement of Purpose:

In response to Governor Allen's Executive Order 15, the board conducted a comprehensive review of its regulations to ensure that the only regulations that remain in effect are those that are essential to protect the health, safety and welfare of the public. The board has made amendments to the regulations in areas where it has determined that the public may not be adequately protected by the current language.

One of the mandates of the Executive Order was that the regulations be clearly written and easily understandable. In compliance with this mandate, the board has reformatted its regulations, eliminating obsolete and unnecessary language, and including new language where needed to clarify requirements.

The Executive Order also mandated that no regulation should remain in effect if there are less burdensome or intrusive alternatives available to achieve the purpose of the regulations. To reduce the burden of its regulation on applicants, the board has included an endorsement provision to expedite licensure of applicants with lengthy experience licensed in other jurisdictions

3. Substance of the Regulations:

The key amendments for each regulation are summarized as follows:

A. Part I. General Provisions

The board has added definitions for the acronyms of four professional associations that are referenced in the regulations as board-approved accrediting bodies for educational and internship programs. The board has also added a definition for “residency” which is used extensively in the regulations, but not currently defined, and amended the current definition for “internship” to reflect the current trend for internships to operate independently of school programs.

Minor changes were made to more accurately describe the purpose of certain fees.

B. Part II. Requirements for Licensure

The board added two new sections (18 VAC 125-20-41 and 18 VAC 125-20-42) to set forth existing requirements for licensure by examination with clarifications and new requirements for licensure by endorsement for experienced psychologists licensed in other jurisdictions.

The board has repealed 18 VAC 125-20-50, as the language in this section has been moved to proposed sections 18 VAC 125-20-40 and 18 VAC 125-20-41.

Due to extensive reformatting of the education and experience requirements for the three practice specialties, the board has repealed 18 VAC 125-20-51, 18 VAC 125-50-52, 18 VAC 125-20-53, to be replaced by new sections (18 VAC 125-20-54, 18 VAC 125-20-55, 18 VAC 125-20-56 and 18 VAC 125-20-65) which set forth the educational and experience requirements separately. Because the majority of applicants (approximately 90%) are interested in the clinical license, the education requirements for this license are

listed first in the regulations.

In addition to the formatting changes, the board has updated the education and experience requirements based on review of current statutes, changes in internship program oversight, and current national degree program standards (the American Psychological Association's "*Guidelines and Principles for Accreditation of Programs in Professional Psychology*"; the Association of State and Provincial Psychology Boards/National Register "*Guidelines for Defining a Doctoral Degree in Psychology*", the National Council for Accreditation of Teacher Education's-*Approved Curriculum Guidelines*, and the Association of Psychology Postdoctoral and Internship Center's Doctoral Membership Criteria.

In the proposed core curriculum which is common to applied and clinical psychologist licensure, the *History and Systems* course is no longer a requirement, as it is not essential to ensure minimal competency and has been a difficult course for a number of applicants to obtain. The *Statistics and Research Design* course has been split into two core areas to conform with the contemporary psychology curriculum: one in research methodology and one in techniques of data analysis. Because the core of all psychology practice involves measuring some aspect of behavior, the board has moved the *Psychological Measurement* course from the clinical specialty listing to the core curriculum listing. A new core area in consultation and supervision has been added to address the increasing demand for contracted administrative supervision by licensed psychologists due to the proliferation of non-doctoral psychologists practicing in agencies exempt from the licensure requirement.

Under the clinical specialty, the course in *Behavioral Assessment* has been split into two content areas of intellectual assessment and personality assessment to conform with the contemporary clinical psychology curriculum. The board determined that *Study of the Individual* applies specifically to the clinical specialty and moved it under the clinical specialty core area of human development.

The board has expanded the content areas for practicums for clinical psychologists to ensure that the treatment of moderate to severe disorders is included.

The board has included language that will make the school psychologist license attainable by individuals holding other degree titles, to include degrees from programs approved by the National Association of School Psychologists (NASP). To provide guidelines for individuals whose programs are not approved by one of the professional associations, the board has developed a core curriculum and practicum requirements in school psychology based on the National Council for Accreditation of Teacher Education's-*Approved Curriculum Guidelines*.

Because internships will no longer be governed by the graduate programs, the Board has

included language to require that clinical and school psychologist internships meet national standards.

The Board has added new language under the residency requirement to provide clarification of the prohibitions on resident billing and solicitation. The board has also included a clock hour equivalency to the one-year residency requirement to guide candidates who are in part-time residencies. To ensure compliance with § 54.1-2907, the board has added language to specify that the residency must include experience in the treatment of moderate to severe emotional disorders.

Instructions for graduates of foreign institutions set forth in 18 VAC 125-20-60 have been incorporated into the program requirements for each practice specialty. The board has repealed this section which is no longer necessary.

The board has also repealed 18 VAC 125-20-70 which duplicates the statutory mandate to obtain a Virginia license to practice psychology in Virginia.

C. Part III. Examinations

The board has streamlined the examination requirements by removing unnecessary language from 18 VAC 125-20-80, 18 VAC 125-20-90 and 18 VAC 125-20-100, and combining the retained language into one section. These formatting changes do not represent changes in the actual examination requirements.

D. Part IV. Licensure Renewal; Reinstatement

Minor changes have been made to 18 VAC 125-20-120 to make this section clearer and more concise.

E. Part V. Advisory Committees.

The board has repealed this part of the regulation, as the board's authority to establish advisory committees is set forth in statute, and the structure of the committees is set forth in the board's Public Participation Guidelines.

F. Part VI. Standards of Practice; Unprofessional Conduct; Disciplinary Actions; Reinstatement

The board had made amendments to the standards of practice set forth in 18 VAC 125-20-150 to clarify the regulations and improve their enforceability. Language that duplicates statute was struck and related subdivisions were combined where appropriate.

Because the majority of disciplinary actions taken against psychologists are due to dual relationships of a sexual nature, the board determined that the current language in subdivision B 7 which states “avoid dual relationships” can be interpreted as either interminable, or as somewhat permissive, and is not adequate to protect the public. The board has added a new subsection to address the prohibition on sexual relationships separately, and provide a definite span .

The board has also deleted 18 VAC 125-20-160 B which is set forth in statute and provided to respondents at the time the consent order is presented for signature.

Other minor changes have been made to 18 VAC 125-20-160 and 18 VAC 125-20-170 to make these sections clearer and more concise.

4. Issues of the Regulation.

A. Definitions.

A significant change has taken place recently in the position of the American Psychological Association (APA) which formerly required internships to be an integral part of the graduate program. In an effort to pattern psychologist training after the medical model, the APA is encouraging the establishment of internships independently from the graduate programs. As a result, graduate programs are increasingly relinquishing their internship programs, and the *internship* as defined in the current regulations will soon be unattainable. Considering the loss of direct oversight of internships by the graduate programs, the board discussed the importance of including language in the regulations to provide for denial of internships that do not meet adequate standards to ensure the competency of candidates for licensure. The board has developed a new definition to require internships to meet national standards. The board has also developed a new definition of *residency* to maintain the appropriate training progression as required under the current regulations.

Advantages and Disadvantages: Changes to this section allow for acceptance of internships independent of graduate programs, help to ensure that the quality of acceptable internships will be maintained, and preserve the current requirement for completing the internship requirement prior to beginning the residency. This is an advantage to individuals who may have completed an internship independent of a graduate program, which would not be acceptable under the current regulations. The changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

B. General Requirements for Licensure.

Currently, applicants with lengthy experience as licensed practitioners in other jurisdictions must document the same information as new practitioners, which includes official documentation of supervised practice that may have taken place long ago and is therefore difficult or impossible to verify. In addition, experienced practitioners are required to sit for the board's practice examinations, which may be superfluous to the original examination taken for licensure in the other jurisdiction. The board determined that a provision should be developed for licensure of experienced practitioners by endorsement, and has included language that provides several avenues for endorsement. The board has also included amendments to clarify the current requirements and the documentation necessary for licensure by examination.

Advantages and Disadvantages: Endorsement of experienced practitioners will expedite the licensure process for these applicants by as many as 10 months, reducing delays in the ability to obtain employment, open private practices and bill for services. Amendments to the requirements for licensure by examination present a more complete listing of the requirements and the documentation required in the application package. The changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

C. Education and Experience Requirements

Although the trend of the national accrediting associations is to set standards for a general core in professional psychology and not specialty training areas, the board must develop its regulations in conformance with Virginia law which recognizes three distinct practice specialties. The board is responsible for ensuring the competency of licensees to practice under the license titles that it issues.

Requirements for clinical psychologist licensure: The current education and experience requirements have been in effect since 1988. Since that time, there have been changes in the statutes setting forth new licensure titles and scopes of practice for practice specialties, changes in internship program oversight as explained previously, and changes in the national degree program standards. The board identified the need to update the requirements and reorganize the sections to reduce the levels of subdivision and make them easier to follow.

Advantages and Disadvantages: The education and experience requirements for clinical psychologists include appropriate emphasis in the diagnosis and treatment of persons with moderate to severe mental disorders as mandated under §54.1-2940 enacted in July, 1996. The general core area listings provide guidance to applicants regarding the types of courses

that will be acceptable, and provide greater flexibility than the listings in the current regulations for acceptance of courses with various titles within each content area. Elimination of the course requirement *History and Systems*, which is the requirement most often lacking from applicant transcripts, will expedite the licensure process for many applicants.

Moving the experience requirements to a new section reduces the levels of subdivision and makes the regulations easier to follow. Because the internships are moving out of the graduate programs, new language has been included to ensure that only those internships that meet national standards will be accepted.

With the loss of program oversight of internships, the need to ensure the quality of practicum experience has increased. Establishing content areas for the practicum ensures that APA-approved programs have the essential elements in clinical training.

Guidance on billing procedures for resident services will provide clarification of the prohibitions on resident billing and solicitation, which is a frequent subject of inquiry at the board office. The new clock hour equivalency to the one-year residency requirement will be helpful to residents who complete the residency on a part-time basis. Language requiring experience in the treatment of moderate to severe emotional disorders emphasizes the significance of this training in preparing competent clinical practitioners in compliance with § 54.1-2907.

Applicants will have to document additional hours in the practicum requirement. However, the board members agreed that most graduates of Ph.D. clinical programs obtain more than 9 semester hours, since internship programs will not accept applicants who do not have a sufficient variety of practicum experience.

The changes present no disadvantages to current licensees, the board or the agency.

Requirements for applied psychologist licensure: Prior to 1996, the generic title “psychologist” encompassed Ph.D.-level psychologists with or without clinical training. When the statute changed, the new title “applied psychologist” was established for Ph.D.-level psychologists without clinical training. The core curriculum exposes students to basic foundations of psychology obtained in the first two years of the Ph.D. program, but does not confer expertise in any specialty area. To ensure that individuals holding the applied psychologist license are qualified to practice applied psychology as set forth in the new statute, the board is requiring that, in addition to the core course requirements, applicants document an additional 18 semester hours in one of several concentrated programs of applied psychology study.

Advantages and Disadvantages: The board can ensure the competency of applied

psychologist applicants to provide services within an area of applied psychology set forth in the current scope of practice, while providing enough flexibility to accept many different areas of applied psychology training that may be documented.

Applicants for the applied psychologist license will have to document 18 semester hours of coursework in addition to the core requirements. This does not exceed the number of semester hours acquired in the Ph.D. program and it ensures that the program provided comprehensive education in some area of applied psychology.

The changes present no disadvantages to the general public, current licensees, the board or the agency.

Requirements for school psychologist licensure: Under the existing regulations, only masters degrees school psychology received in programs approved by the APA or the National Council of Accreditation of Teacher Education (NCATE) are acceptable. The new language will make this license attainable by individuals holding other degree titles whose programs are approved by the APA, NCATE or the National Association of School Psychologists (NASP) or equivalent. To provide guidelines for individuals whose programs are not approved by one of the professional associations, the board developed a core curriculum and practicum requirements in school psychology based on the NCATE-Approved Curriculum Guidelines.

Advantages and Disadvantages: The new language will make the school psychologist license available to individuals who may not have graduated from an approved program with the specific title of “school psychology,” but whose program met requirements equivalent to those set forth in the regulations..

The changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

D. Examination Requirements.

Examination requirements under the existing regulations are set forth under three sections which can be reduced and consolidated by eliminating language that is unnecessary.

Advantages and Disadvantages: Elimination of unnecessary language makes the regulations more concise.

The changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

E. Standards of Practice

The board's Disciplinary Committee identified standards of practice that have been confusing or unclear to licensees, or that need clarification to improve enforceability. The board was particularly concerned with vague language pertaining to the prohibition on sexual relationships, which are the most common violations to come before the board in disciplinary proceedings. Additionally, the board determined that this section could be improved by eliminating subsections duplicating statute, and combining subsections covering common content areas. The board also determined that the time for keeping records was excessive, and amended it to 5 years based on the Association of State and Provincial Psychology Board's (ASPPB) Code of Conduct.

Advantages and Disadvantages: The amendments clarify the standards of practice for licensees and their clients and improve their enforceability. The changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

F. Grounds for Disciplinary Action/ Reinstatement Following Disciplinary Action

Both 18 VAC 125-20-160 and 18 VAC 125-20-170 contain language that is unnecessary and can be eliminated.

Advantages and Disadvantages. The changes clarify the regulations and present no disadvantages to the general public, applicants, licensees, the board or the agency..

5. Estimated Fiscal Impact

Fiscal Impact Prepared by the Agency

A. Projected number of persons affected and their cost of compliance:

The number of licensees affected by these regulations are as follows (as of September, 1999):

Clinical Psychologists	1,819
School Psychologists	107
Applied Psychologists	58

The endorsement provision should expedite processing of applicants who have been licensed in other states by about ten months. These applicants constitute approximately 25% of the 100 individuals that become licensed in Virginia each year. Assuming earnings of \$4000 to \$7000

per month, the potential earnings that might otherwise be lost could be \$40,000 to \$70,000. More significantly, endorsement applicants will be less likely to miss employment opportunities if issuance of the license is expedited, and psychological services will be more readily available to the public.

B. Costs to the agency for implementation:

Approximately \$2000 will be incurred for printing and mailing public notices and amended regulations.

All costs to the agency are derived from fees paid by licensees, and no fee increases are necessary.

C. Costs to local governments

The amendments will not fiscally impact local governments.

D. Economic Impact Analysis:

The Department of Planning and Budget's Economic Impact Analysis was published with the proposed regulations.

E. Agency Response:

The Board concurs with the analysis of the Department of Planning and Budget

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TEXT OF THE REGULATION

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REPORTING FORMS

~~Psychologist Licensure Application, Form 1,~~ Application for Licensure by Examination PSYEX1 (rev. 4/97, 6/99).

Registration of Residency – Post-Graduate Degree Supervised Experience, ~~Form 2, 6/97~~ PSY2 (rev. 6/99).

Psychologist Application for Licensure by Endorsement, PSYEN1 (eff. 6/99).

Verification of Post-Degree Supervision, ~~Form 3~~ PSY3, (rev. 6/97 6/99).

Internship Verification, ~~Form 4~~ PSY4 (rev. 6/97 6/99).

~~Doctoral Program Approval of Internship, Form 5, rev. 6/97~~

Licensure/Certification Verification, ~~Form 6~~ PSY 5 (rev. 4/97 6/99).

Areas of Graduate Study, ~~Form 7~~ PSY6 (rev. 6/97 6/99).

Renewal Notice and Application, C-45128 (rev. 8/97).

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**ITEM 3: STATUTORY AUTHORITY FROM THE ATTORNEY
GENERAL**