

Notice of Agency Rule-making Proposal (long version)

AGENCY: Department of Professional and Financial Regulation, Office of Licensing and Registration, State Board of Examiners of Psychologists

RULE TITLE OR SUBJECT:

Chapter 3.....Application, Examination and the Licensure Process (amended)
Chapter 4.....Licensure of Psychologists (amended)
Chapter 6.....Supervision of Unlicensed Personnel (new)
Chapter 8.....Continuing Professional Education (amended)

PROPOSED RULE NUMBER:

(LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE):

CONCISE SUMMARY (UNDERSTANDABLE BY AVERAGE CITIZEN): The amendments to Chapters 3 and 8 change the board's renewal cycle from biennial licensure to annual licensure, but leave in place the current biennial reporting cycle for continuing professional education. The amendments to Chapter 4 eliminate the requirements that a psychologist who supervises a predoctoral or postdoctoral supervision program must be: (a) a full-time supervisor, and (b) located on site. New Chapter 6 establishes standards for the supervision of unlicensed persons who participate in the provision of psychological services. Under these standards, psychologists who supervise unlicensed personnel must have in place a supervisory framework that includes written administrative policies, written job descriptions and provides for oral and written evaluations. The work setting must have a licensed psychologist who is legally and ethically responsible for oversight of the integrity and quality of the services as well as other resources necessary to meet the employment needs of the supervisee.

The statement of economic impact on small business required by 5 MRSA §8052(5-A) may be obtained from the agency contact person.

THIS RULE WILL WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 32 MRSA §§3812-A(1), 3824(2), 3824(6)

PUBLIC HEARING):

(IF ANY, GIVE DATE, TIME, LOCATION)

October 6, 2009, 9:30 a.m., Department of Professional and Financial Regulation, Office of Licensing and Registration, 122 Northern Avenue, Gardiner, Maine

DEADLINE FOR COMMENTS: October 16, 2009

AGENCY CONTACT PERSON: Geraldine Betts, Board Administrator

AGENCY NAME: Office of Licensing and Registration

ADDRESS: 35 State House Station

TELEPHONE: (207) 624-8625

EMAIL: geraldine.l.betts@maine.gov

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 3 – APPLICATION, EXAMINATION AND THE LICENSURE PROCESS

Summary: This chapter sets forth the application and examination sequence for persons applying for licensure as a psychologist or psychological examiner, including authorization for acceptance of the CPQ and NR. This chapter also contains limitations on the conditional and temporary licenses, and provisions relating to licensure generally.

Section 4 of this chapter is amended to read as shown below. No other changes are made to this chapter:

4. Term of License

All licenses other than the temporary license and conditional license expire annually on April 30 ~~of each even-numbered year~~. Licenses may be renewed ~~biennially~~ upon:

1. Completion of a renewal application form supplied by the board;
2. ~~Attestation~~ On renewals for even-numbered years, attestation by the licensee to completion of continuing professional education as required by Chapter 7 of the board's rules; and
3. Payment of the applicable license fee.

STATUTORY AUTHORITY: 32 MRSA §3824(2)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 4 – LICENSURE OF PSYCHOLOGISTS

Summary: This chapter establishes standards for the education and supervised experience of psychologists.

Section 2(3)(E) of this chapter is amended to read as shown below. No other changes are made to this chapter:

2. Supervised Experience

. . .

3. Supervision Program Requirements

. . .

E. The supervision program must have a ~~full-time~~ licensed psychologist ~~on-site~~ who is clearly responsible for the integrity and quality of the program and as many additional psychologists as are necessary to meet the training needs of the supervisees. The supervising psychologist may rely upon one or more experts in allied disciplines for training in specific skill areas, provided that at least 50% of the supervision for doctoral level candidates is provided by the supervising psychologist.

. . .

STATUTORY AUTHORITY: 32 MRSA §3824(2)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

415 STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 6 – SUPERVISION OF UNLICENSED PERSONNEL

Summary: This chapter establishes standards for the supervision of unlicensed persons who participate in the provision of psychological services.

1. Supervision of Unlicensed Persons Who Participate in the Provision of Psychological Services

Supervision of unlicensed persons who participate in the provision of psychological services must adhere to the following requirements:

1. The supervisory process addresses legal, ethical, social and cultural dimensions that impact not only the professional practice of psychology but also the supervisory relationship. Issues of confidentiality, professional practice and protection of the public are central.

2. An acceptable employment setting must provide ongoing psychological services in a well-defined and established program. Physical components such as office space, support staff and equipment necessary for successful practice of the supervisee must be available. The setting must meet the broad and specialized needs of the supervisee that are congruent with the supervisee's job function.

3. The work setting must provide the employee with a written document specifying the administrative policies as well as the objectives of the position. At the onset of employment the supervisor shall develop, along with the supervisee, a written individualized job description that is consistent with the qualifications of the supervisee and the purpose of the work setting.

4. Written and oral evaluation is necessary to ensure that supervisees achieve the identified employment objectives. Evaluations provide objective assessment and direct feedback about the supervisee's competence in meeting the needs of the employment setting. Direct feedback should be ongoing. Written evaluations must be provided at least annually.

5. The work setting must have a licensed psychologist who is legally and ethically responsible for oversight of the integrity and quality of the services as well as other resources necessary to meet the employment needs of the supervisee.

6. The status of the supervisee must be identified by an appropriate title such as testing assistant, psychometrician, etc., such that the supervised status is clearly identifiable to clients, third-party payors and other entities.

7. The supervisor shall determine the adequacy of the supervisee's preparation for the tasks to be performed. Work assignments must be commensurate with the skills of the supervisee. All procedures must be planned in consultation with the supervisor.

8. Public announcement of services and fees as well as contact with the lay or professional community must be offered only by or in the name of the supervising psychologist.

9. The supervisor may not be the employee of the supervisee. Supervisors shall pay careful attention to the impact of financial arrangements on the supervisory relationship.

10. Supervisors shall avoid entering into dual relationships with their supervisees. Supervisors may not exploit or engage in sexual relationships with supervisees. Supervisors shall attempt to resolve any unforeseen interference which may be potentially harmful to the supervisory relationship with due regard for the best interests of both the client and the supervisee, and after appropriate consultation.

11. The supervisor may not permit a supervisee to engage in any psychological practice which the supervisor cannot perform competently him- or herself.

12. The supervisor shall interrupt or terminate the supervisee's activities whenever necessary to ensure adequate development of skills and protection of the public.

13. The supervisor is ethically and legally responsible for all of the professional activities of the supervisee.

STATUTORY AUTHORITY: 32 MRSA §§3812-A(1), 3824(2)

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

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CHAPTER 8 – CONTINUING PROFESSIONAL EDUCATION

Summary: This chapter requires licensees to update and advance their skills through continuing professional education so that the public may benefit from the most current and effective standards of professional practice

Section 1(1) of this chapter is amended to read as shown below. No other changes are made to this chapter:

1. General Requirements

1. 40 Hours Over Two Years Required for License Renewal

~~Beginning with the second license renewal~~On license renewal applications for even-numbered years, each psychologist and psychological examiner shall attest to the completion of 40 hours of face-to-face or indirect approved continuing professional education directly related to the practice of psychology during the preceding ~~license biennium~~two years of licensure in conformance with the requirements of this chapter. This requirement becomes effective upon the licensee's second renewal application for an even-numbered year.

STATUTORY AUTHORITY:

EFFECTIVE DATE: