

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		Agency No.		Rule No.		Section No.
Utah Admin. Code Ref (R no.):	R	156	-	61	-	
Changed to Admin. Code Ref. (R no.):	R		-		-	

1.	Agency:	Commerce/Division of Occupational and Professional Licensing			
	Room no.:				
	Building:	Heber M. Wells Building			
	Street address 1:	160 East 300 South			
	Street address 2:				
	City, state, zip:	Salt Lake City UT 84111-2316			
	Mailing address 1:	PO Box 146741			
	Mailing address 2:				
	City, state, zip:	Salt Lake City UT 84114-6741			
	Contact person(s):				
	Name:	Phone:	Fax:	E-mail:	
	Rich Oborn	801-530-6767	801-530-6511	roborn@utah.gov	

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):
	Psychologist Licensing Act Rule
3.	Type of notice:
	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___
4.	Purpose of the rule or reason for the change:
	The Division and the Psychologist Licensing Board reviewed the rule and determined it was necessary to: (1) further define an existing license exemption established in Subsection 58-1-307(1)(b); (2) modify the definition of a program accredited by the Commission on Accreditation (CoA) of the American Psychological Association; (3) modify the examination requirement; and (4) make various nonsubstantive changes.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	No XXX; Yes ___
6.	Summary of the rule or change:

Section 102: Paragraph (4) is added to define the term "on-the-job training program" as used in Subsection 58-1-307 (1)(b). Standards that these programs must meet are established in Section 601. These proposed amendments create a 45-day exemption applicable to individuals who have completed all required coursework for a degree but who do not yet qualify for a license because they are waiting for their school to formally award the degree. There is always a gap between the completion date of a final course of a program and the formal awarding of a degree. This proposed amendment allows these individuals to continue to legally work under an exemption for a maximum of 45 days under certain conditions specified in the rule. Renumbering changes are made throughout the section. In Paragraph (6), the definition of the term "program accredited by CoA" is expanded to include programs that are under review for accreditation by the CoA and approved for a site visit within six years after the applicant satisfactorily completed the program. This amendment is necessary in order to accommodate qualified applicants who graduate from programs that are not accredited by the CoA, but have been approved for a site visit by CoA. Section 302a: An incorrect rule citation is corrected in this section. Section 302b: A typographical error is corrected in this section. Section 302c: Paragraph (2) is removed because the Division is removing itself from the exam pre-approval process. Under the new process, the American Association of State Psychology Board (ASPPB) will control who takes the Examination for the Professional Practice of Psychology (EPPP), and the Division's testing contractor will control who takes the Utah Psychologist Law and Ethics Exam. The new process will dramatically decrease the number of days that a psychologist license application is pending with the Division. Paragraphs (6) and (7) are no longer necessary under the new process and are being deleted. Section 601: New section establishes standards for an approved on-the-job training program.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ___; Yes XXX

Administering the exam pre-approval process for the EPPP and the Utah Psychologist Law and Ethics examinations currently distracts Division staff from their primary responsibility of processing license applications. As a result, the Division will experience savings impact due to removing itself from the exam pre-approval processes under amendments to Section 302c. The Division is unable to estimate the extent of savings impact caused by this amendment. The Division will incur minimal costs of approximately \$100 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. No other cost impact to the Division is anticipated.

B) Local government:

Affected: No XXXX; Yes ___

The proposed amendments apply only to doctoral psychology students and applicants for licensure as a psychologist. As a result, the proposed amendments do not apply to local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No ___; Yes XXX

Many mental health agencies and private practices are small businesses that employ individuals as they transition from being a student to a licensed psychologist. These businesses may experience a cost savings under the proposed amendments because the amendments enable individuals to continue therapy or counseling with their clients for up to 45 days after the individual completes coursework. If a business decides to keep the student on staff after completion of the internship course, the business will avoid the expense of hiring a new employee to perform the services provided by the student. The Division is unable to quantify this impact due to a wide range of circumstances.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ___; Yes XXX

Many individuals working in the psychology field and transitioning from being a student to a licensee may experience a cost savings because the proposed amendments enable them to continue practicing psychology with clients for up to 45 days after completing their coursework. It may also increase the likelihood that an internship site will continue to employ an individual after they complete the internship. The Division is unable to quantify this impact due to a wide range of circumstances. Removing the Division from the EPPP exam pre-approval process has cost impact on individuals in Utah seeking to register for the EPPP. This is because the ASPPB has indicated that it will require candidates to register for the ASPPB Psychology Licensure Universal System (PLUS) as part of the exam pre-approval process. Registration for the PLUS requires payment of a \$200 fee.

8. Compliance costs for affected persons:

	<p>Many individuals working in the psychology field and transitioning from being a student to a licensee may experience a cost savings because the proposed amendments enable them to continue practicing psychology with clients for up to 45 days after completing their coursework. It may also increase the likelihood that an internship site will continue to employ an individual after they complete the internship. The Division is unable to quantify this impact due to a wide range of circumstances. Removing the Division from the EPPP exam pre-approval process has cost impact on individuals in Utah seeking to register for the EPPP. This is because the ASPPB has indicated that it will require candidates to register for the ASPPB Psychology Licensure Universal System (PLUS) as part of the exam pre-approval process. Registration for the PLUS requires payment of a \$200 fee.</p>																												
9.	<p>A) Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>This filing creates a program under which an individual who has completed a doctoral program in psychology may work for a period of up to 45 days while waiting for the degree to be awarded and the license application to be processed. Businesses that have employed students and wish to continue the employment relationship during the licensing process may realize savings under this program. Any such fiscal impact will vary and cannot be quantified.</p> <p>B) Name and title of department head commenting on the fiscal impacts:</p> <p>Francine A. Gianì, Executive Director</p>																												
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</p> <p>State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :</p> <table border="1"> <tr> <td>Subsection 58-1-106(1)(a)</td> <td>Subsection 58-1-202(1)(a)</td> </tr> <tr> <td>Section 58-61-101</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>		Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-61-101																								
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11.	<p>This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):</p> <table border="1"> <thead> <tr> <th></th> <th>First Incorporation</th> <th>Second Incorporation</th> </tr> </thead> <tbody> <tr> <td>Official Title of Materials Incorporated (from title page)</td> <td></td> <td></td> </tr> <tr> <td>Publisher</td> <td></td> <td></td> </tr> <tr> <td>Date Issued</td> <td></td> <td></td> </tr> <tr> <td>Issue, or version</td> <td></td> <td></td> </tr> <tr> <td>ISBN Number (optional)</td> <td></td> <td></td> </tr> <tr> <td>ISSN Number (optional)</td> <td></td> <td></td> </tr> <tr> <td>Cost of Incorporated Reference</td> <td></td> <td></td> </tr> <tr> <td>Action: Adds, updates, or removes</td> <td></td> <td></td> </tr> </tbody> </table> <p>(If this rule incorporates more than two items by reference, please attach additional pages)</p>			First Incorporation	Second Incorporation	Official Title of Materials Incorporated (from title page)			Publisher			Date Issued			Issue, or version			ISBN Number (optional)			ISSN Number (optional)			Cost of Incorporated Reference			Action: Adds, updates, or removes		
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12.	<p>The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)</p> <table border="1"> <tr> <td>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</td> <td colspan="2">01/14/2015</td> </tr> <tr> <td colspan="3">B) A public hearing (optional) will be held:</td> </tr> <tr> <td>On (mm/dd/yyyy):</td> <td>At (hh:mm AM/PM):</td> <td>At (place):</td> </tr> <tr> <td>01/06/2015</td> <td>9:00 a.m.</td> <td>160 East 300 South, Conference Room 474, Salt Lake City, Utah</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	01/14/2015		B) A public hearing (optional) will be held:			On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):	01/06/2015	9:00 a.m.	160 East 300 South, Conference Room 474, Salt Lake City, Utah															
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13.	<p>This rule change may become effective on (mm/dd/yyyy):</p> <table border="1"> <tr> <td>01/21/2015</td> </tr> </table>		01/21/2015																										
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NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.			
14. Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:	licensing		psychologists
15. Attach an RTF document containing the text of this rule change (filename):	R156-61.pro		
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	11/07/2014

R156. Commerce, Occupational and Professional Licensing.

R156-61. Psychologist Licensing Act Rule.

R156-61-101. Title.

This rule is known as the "Psychologist Licensing Act Rule."

R156-61-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 61, as used in Title 58, Chapters 1 and 61 or this rule:

(1) "Approved diagnostic and statistical manual for mental disorders" means the following:

(a) Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition: DSM-5 or Fourth Edition: DSM-IV published by the American Psychiatric Association;

(b) 2013 ICD-9-CM for Physicians, Volumes 1 and 2 Professional Edition published by the American Medical Association; or

(c) ICD-10-CM 2013: The Complete Official Draft Code Set published by the American Medical Association.

(2) "CoA" means Committee on Accreditation of the American Psychological Association.

(3) "Direct supervision" of a supervisee in training, as used in Subsection 58-61-304(1)(f), means:

(a) a supervisor meeting with the supervisee when both are physically present in the same room at the same time; or

(b) a supervisor meeting with the supervisee remotely via real-time electronic methods that allow for visual and audio interaction between the supervisor and supervisee under the following conditions:

(i) the supervisor and supervisee shall enter into a written supervisory agreement which, at a minimum, establishes the following:

(A) frequency, duration, reason for, and objectives of electronic meetings between the supervisor and supervisee;

(B) a plan to ensure accessibility of the supervisor to the supervisee despite the physical distance between their offices;

(C) a plan to address potential conflicts between clinical recommendations of the supervisor and the representatives of the agency employing the supervisee;

(D) a plan to inform a supervisee's client or patient and employer regarding the supervisee's use of remote supervision;

(E) a plan to comply with the supervisor's duties and responsibilities as established in rule; and

(F) a plan to physically visit the location where the supervisee practices on at least a quarterly basis during the period of supervision or at a lesser frequency as approved by the Division in collaboration with the Board;

(ii) the supervisee submits the supervisory agreement to the Division and obtains approval before counting direct supervision completed via live real-time methods toward the 40 hour direct supervision requirement; and

(iii) in evaluating a supervisory agreement, the Division shall consider whether it adequately protects the health, safety, and welfare of the public.

(4) "On-the-job training program approved by the Division", as used in Subsection 58-61-301(1)(b), means a program that meets the standards established in Section R156-61-601.

([4]5) (a) "Predoctoral internship" refers to a formal training program that meets the minimum requirements of the Association of Psychology Postdoctoral and Internship Centers (APPIC) offered to culminate a doctoral degree in clinical, counseling, or school psychology.

(b) A training program may be a full-time one year program or a half-time two year program.

([5]6) (a) "Program accredited by the CoA", as used in Subsections R156-61-302a(1), means a psychology department program that, as of the date on which a student completes a doctoral psychology degree program:

(i) has obtained an accreditation from the CoA; or

(ii) (A) has applied to the CoA for accreditation;

(B) has been approved by the CoA for a site visit, which is to occur within the ensuing six years; and

(C) has not previously been denied accreditation by the CoA. [accredited at the time of completion of a doctoral psychology degree.

~~_____ (b) No other accredited educational program at a degree granting institution is considered to meet the requirement in Subsections R156-61-302a(1), and in no case are departments or institutions of higher education considered accredited.]~~

([6]7) (a) "Program of respecialization", as used in Subsection R156-61-302a(3), is a formal program designed to prepare someone with a doctoral degree in psychology with the necessary skills to practice psychology.

(b) The respecialization activities shall include substantial requirements that are formally offered as an organized sequence of course work and supervised practicum leading to a certificate (or similar recognition) by an educational body that offers a doctoral degree qualifying for licensure in the same area of practice as that of the certificate.

([7]8) "Qualified faculty", as used in Subsection 58-1-307(1)(b), means a university faculty member who provides pre-doctoral supervision of clinical or counseling experience in a university setting who:

(i) is licensed in Utah as a psychologist; and

(ii) is training students in the context of a doctoral program leading to licensure.

([8]9) "Residency program", as used in Subsection 58-61-301(1)(b), means a program of post-doctoral supervised clinical training necessary to meet licensing requirements as a psychologist.

([9]10) (a) "Psychology training", as used in Subsection 58-61-304(1)(e), means practical training experience providing direct services in the practice of mental health therapy and psychology under supervision.

All activities in full-time internships and full-time post-doctoral positions devoted solely to mental health delivery meet this definition.

(b) Activities not directly related to the practice of psychology, even if commonly performed by psychologists, do not meet the definition of psychology training under Subsection 58-61-304(1)(e). Examples of ineligible activities include psychology coursework, analog clinical activities (e.g. role plays), activities required for business purposes (e.g. billing), supervision of others engaged in activities other than practice of psychology (e.g. supervising adolescents in wilderness settings), and activities commonly performed by non-psychologists (e.g. teaching of psychology on topics not of a professional nature).

R156-61-302a. Qualifications for Licensure - Education Requirements.

(1) In accordance with Subsection 58-61-304(1)(d), an institution or program of higher education awarding a psychology degree that qualifies an applicant for licensure as a psychologist shall be accredited by the CoA.

(a) An applicant shall graduate from the actual program that is accredited by CoA. No other program within the department or institution qualifies unless separately accredited.

(b) If a transcript does not uniquely identify the qualifying CoA accredited degree program, it is the responsibility of the applicant to provide signed, written documentation from the program director or department chair that the applicant did indeed graduate from the qualifying accredited degree program.

(2) In accordance with Subsection 58-61-304(1)(d), an institution or program of higher education awarding a psychology doctoral degree that is not accredited by CoA shall meet the following criteria in order to qualify an applicant for licensure as a psychologist:

(a) if located in the United States or Canada, be an institution having a doctoral psychology program recognized by the Association of State and Provincial Psychology Boards (ASPPB)/National Register Joint Designation Committee as being found to meet "designation criteria", at the time the applicant received the earned degree. Whether a program is found to meet designation criteria is a decision to be made by the ASPPB/National Register Joint Designation Committee; or

(b) if located outside of the United States or Canada, be an institution that meets the ASPPB National Register (NR) Designation Guidelines for defining a doctoral degree in psychology as determined by the NR.

(3) An applicant whose psychology doctoral degree training is not designed to lead to clinical practice or who wishes to practice in a substantially different area than the training of the doctoral degree shall complete a program of respecialization as defined in Subsection R156-61-102([5]7), and shall meet requirements of Subsection[5] R156-61-302a(2).

(4) The date of completion of the doctoral degree shall be the graduation date listed on the official transcript.

R156-61-302b. Qualifications for Licensure - Experience Requirements.

(1) An applicant for licensure as a psychologist under Subsection 58-61-304(1)(e) or mental health therapy under Subsections 58-61-304(1)(e) and (1)(f) shall complete a minimum of 4,000 hours of psychology training approved by the Division in collaboration with the Board. The training shall:

(a) be completed in not less than two years;

(b) be completed in not more than four years following the awarding of the doctoral degree unless the Division in collaboration with the Board approves an extension due to extenuating circumstances;

(c) be completed while the applicant is enrolled in an approved doctoral program or licensed as a certified psychology resident;

(d) be completed while the applicant is under the supervision of a qualified psychologist meeting the requirements under Section R156-61-302d;

(e) if completed under the supervision of a qualified faculty member who is not an approved psychology training supervisor in accordance with ~~S[ub]s~~ection R156-61-302d, the training shall not be credited toward the 4,000 hours of psychology doctoral clinical training;

(f) be completed as part of a supervised psychology training program as defined in Subsection R156-61-102(4) that does not exceed:

(i) 40 hours per week for full-time internships and full-time post doctoral positions; or

(ii) 20 hours of part-time internships and part-time post doctoral positions; and

(g) be completed while the applicant is under supervision of a minimum of one hour of supervision for every 20 hours of pre-doctoral training and experience and one hour for every 40 hours of post-doctoral training and experience.

(2) In accordance with Subsection 58-61-301(1)(b), an individual engaged in a post-doctoral residency program of supervised clinical training shall be certified as a psychology resident.

(3) An applicant for licensure may accrue any portion of the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(e) in a pre-doctoral program.

(4) An applicant who applies for licensure as a psychologist who completes the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(e) in a pre-doctoral program or post-doctoral residency, and meets qualifications for licensure, may be approved to sit for the examinations, and upon passing the examinations will be issued a psychologist license.

(5) An applicant for licensure as a psychologist who has commenced and completed all or part of the psychology or mental health therapy training requirements under Subsection R156-61-302b(1) outside the state, may receive credit for that training completed outside of the state if it is demonstrated by the applicant that the training is equivalent to the

requirements for training under Subsections 58-61-304(1)(e) and (f), and Subsection R156-61-302b(1).

R156-61-302c. Qualifications for Licensure - Examination Requirements.

(1) The examination requirements which shall be met by an applicant for licensure as a psychologist under Subsection 58-61-304(1)(g) are:

(a) passing the Examination for the Professional Practice of Psychology (EPPP) developed by the American Association of State Psychology Board (ASPPB) with a passing score as recommended by the ASPPB; and

(b) passing the Utah Psychologist Law and Ethics Examination with a score of not less than 75%.

~~(2) [A person may be admitted to the EPPP and Utah Psychologist Law and Ethics examinations in Utah only after meeting the requirements under 58-61-305, and after receiving written approval from the Division.~~

~~(3)~~ If an applicant is admitted to an EPPP examination based upon substantive information that is incorrect and furnished knowingly by the applicant, the applicant shall automatically be given a failing score and shall not be permitted to retake the examination until the applicant submits fees and a correct application demonstrating the applicant is qualified for the examination and adequately explains why the applicant knowingly furnished incorrect information. If an applicant is inappropriately admitted to an EPPP examination because of a Division or Board error and the applicant receives a passing score, the results of the examination may not be used for licensure until the deficiency which would have barred the applicant for admission to the examination is corrected.

~~(4)~~ An applicant who fails the EPPP examination three times will only be allowed subsequent admission to the examination after the applicant has appeared before the Board, developed with the Board a plan of study in appropriate subject matter, and thereafter completed the planned course of study to the satisfaction of the Board.

~~(5)~~ An applicant who is found to be cheating on the EPPP examination or in any way invalidating the integrity of the examination shall automatically be given a failing score and shall not be permitted to retake the examination for a period of at least three years or as determined by the Division in collaboration with the Board. [

~~(6) In accordance with Section 58-1-203 and Subsection 58-61-304(1)(g), an applicant for the EPPP or the Utah Psychologist Law and Ethics Examination shall pass the examinations within one year from the date of the psychologist application for licensure. If the applicant does not pass the examinations within one year, the pending psychologist application shall be denied. The applicant may continue to register to take the EPPP examination under the procedures outlined in Subsection R156-61-302c(4).~~

~~(7) In accordance with Section 58-1-203 and Subsection 58-61-304(2)(d), an applicant for psychologist licensure by endorsement shall pass the Utah Psychologist Law and Ethics Examination within six months~~

~~from the date of the psychologist application for licensure. If the applicant does not pass the examination in six months, the pending psychologist application shall be denied.]~~

R156-61-601. Standards - Approved On-the-Job Training Program.

In accordance with Subsection R156-61-102(4), an on-the-job training program is one that:

(1) includes only individuals who have completed all courses required for graduation in a doctoral degree that satisfies the licensure requirements under Title 58, Chapter 61 and these rules;

(2) starts immediately upon completion of all courses required for graduation;

(3) ends no later than 45 days from the date it begins, or upon licensure, whichever is earlier;

(4) may not be extended or used a second time;

(5) is completed while the individual is an employee of a public or private agency engaged in the practice of psychology; and

(6) is supervised by an individual who:

(a) is licensed under Title 58, Chapter 61; and

(b) conducts supervision at least weekly on circumstances where supervisor and supervisee are physically present in the same room at the same time.

KEY: licensing, psychologists

Date of Enactment or Last Substantive Amendment: ~~[November 7, 2013]~~ 2015

Notice of Continuation: January 13, 2014

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-61-101