

ND State Board of Psychologist Examiners

Margo Adams Larsen, Ph.D., Licensed Psychologist ND#343, Board President
 Administrative Rules Committee Meeting
 March 14, 2016 @ 11:10am.

TESTIMONY on Amendments to ND Administrative Code Article 66 related to the regulation and licensing of Psychologists, I/O Psychologists, and Applied Behavior Analysts, and registering Applied Behavior Analysts.

CHAIRPERSON – Representative Bill Devlin

Committee Members - <http://www.legis.nd.gov/assembly/64-2015/committees/interim/administrative-rules-committee>

Chairman Devlin, members of the Interim Administrative Rules Committee, I am Dr. Margo Adams Larsen, President of, and representing the ND State Board of Psychologist Examiners. I am a psychologist, licensed under Chapter 43-32 of the ND Century Code. I am here today to describe the procedures the ND State Board of Psychologist Examiners on the rules adopted by our Board on January 18, 2016 as a result of HB 1274 that enacted several changes and revisions to our regulatory statute. The purpose of the new rules is to reflect the simplifications, clarifications, and changes in NDCC 43-32.

The ND State Board of Psychologist Examiners (the Board) was statutorily created by the 1967 Legislative Assembly to regulate the profession of psychology in the interest of public ~~profession~~ ^{protection}. The delegated authority of the Board has been expanded, and now regulates the practice of psychology, industrial organizational psychology, and applied behavior analysis as defined through legislative authority under NDCC chapter 43-32. Our mission is to regulate these professions in the interest of and to preserve and protect the health, safety, and welfare of the public. Members are volunteers, appointed by the Governor. The Board exists and functions under the executive branch of government.

Currently, there are 251 Licensed Psychologists, 18 Licensed Applied Behavior Analysts, and 4 Registered Applied Behavior Analysts. In 2015 we processed 17 NEW applications for licensure as psychologist, 5 for applied behavior analyst, we received 4 new complaints, and had 5 ongoing investigations, no dismissed complaints, no accepted settlement agreements, and no disciplinary action issued.

1. These rule changes have **resulted** from statutory changes made by the Legislative Assembly through HB1274, introduced and sponsored by Honorable Representatives Fehr, Anderson, Hofstad, and Lefor. Attorney General Stenehjem approved the legality of these rules by letter dated January 25, 2016. The rules were adopted pending AG legality approval by the ND State Board of Psychologist Examiners at a meeting of the Board on January 18, 2016.
2. These rules are **not related** to any federal statute or regulation.
3. The rule making procedures followed in adopting these rules were outlined in the Administrative Rules Manual (2013: Office of the Attorney General), including following the required public notices, dates, and public hearings:

ITEM	COMPLETION DATE
1. Agency approves text of proposed Rules.	11-16-2015
2. Send Notices to the ND Newspaper Association for publication in all 52 county official newspapers; to Legislative Council; and, if triggered by legislation, to each legislator who sponsored the change.	11-23-2015
3. Publication of notices complete.	12-11-2015
4. Public Hearing.	1-5-2016
5. Public Comment Period.	1-5-2016 through 1-15-2016
6. Board approval of Revised Final Rules	1-18-2016
7. Copies of revision sent to sponsoring legislators.	1-27-2016
8. Rulemaking materials sent to OAG for review.	1-20-2016
9. OAG Approval Letter	1-25-2016
10. All rulemaking materials sent to Legislative Council.	1-28-2016

4. The Board received emails from 3 individuals (including Dr. Fehr) in response to the public notice, as well as oral comments by one licensed psychologist at the public hearing.
 - a. **These are outlined in the response documents attached.**
5. The approximate cost of giving public notice and holding any hearing on the rules and the approximate cost (**not including staff**) of developing and adopting the rules was:
 - a. Public Notice = \$ 1866.20
 - b. Attorney = \$6620.55
 - c. Public Hearing = 3 hours of two board members time
 - d. Development Time = 20 hours of two board members time; 35 hours of Board President time
 - e. Adoption Time = 2 hours of Board Meeting time (4-5 members); 10 hours of board member review time.
 - f. Total monetary cost = \$8486.75
 - g. Total time resources = 70 hours (volunteer time valued at \$200/hr = \$14,000)
6. An explanation of the subject matter of the rules and the reasons for adopting those rules include:

CHANGES FROM PREVIOUS NDCC 43-32	EXPLANATION OF CHANGES TO NEW NDAC 66
43-32-02 Appointments & Qualifications – the legislative action increased the board membership from 5 members to 7, with one of these to be a “public member”, resident, age 21, not affiliated with any group or profession that provides or regulates health care in any form.	The amendments to the rules respond to this change and clarify the eligibility of board membership.
43-32-08 Rules – the legislative action removed phrasing related to educational programs for clarification.	The amendments to the rules respond to this change.
43-32-12 Application fees – the legislative action requires the board set fees through rules.	The Board has promulgated rules to address application fees.
43-32-13 Annual license & registration fee – the legislative action requires the board set fees through rules, established an earlier payment date and made possible renewal by electronic means for efficient and effective office processing.	The Board has promulgated rules to address annual license and registration fees, and provisions for electronic processing of payments.

CHANGES FROM PREVIOUS NDCC 43-32	EXPLANATION OF CHANGES TO NEW NDAC 66
43-32-14 Delinquent annual fee – the legislative action clarified and simplified reinstatement, expiration, and required the board to establish fees related to such.	The adopted rules address the clarifications and specify the processes through which reinstatement can occur, and promulgated rules to address related fees.
43-32-17 License practice – Titles – the legislative action incorporated all titles into a single section of the statute for ease of readability and standards of processing.	The adopted rules matched the same incorporations into various sections for simplification, readability, and descriptions of processes.
43-32-19.1 Licensing or registering applicants – the legislative action simplified various sections into consistent wording related to licensing and registering applicants. The requirements of examinations were changed to allow for the incorporation of a written jurisprudence exam to be developed to replace the oral exam. Required the board to establish rules for licensing those licensed in another jurisdiction, requires board to set rules for credentials from another agency, reflects specific details related to NDCC 43-51 with regard to limited practice.	The adopted rules establish and described the written jurisprudence exam, that once establish will be utilized in place of the current oral exam that will improve efficiency and effectiveness of the board functioning. Also, rules were established to clarify the application and practice process within ND of those already licensed in good standing in another jurisdiction. The adopted rules also specify the process for limited practice which will assist with the increasing requests for telepractice professionals from providers outside of ND.
43-32-20 Qualifications of Applicants – legislative action clarified and simplified the language related to qualifying applicants for licensure.	The adopted rules address the clarifications and standardize the language for the various professions regulated, and improve readability.
43-32-20.1 Postdoc supervised employment – legislative action clarified the requirements of supervision, and provided details for the board to more efficiently evaluate experiences.	The adopted rules respond by detailing the requirements and processes involved with registering for, monitoring, and documenting postdoctoral supervised experiences.
43-32-21 Consideration of application and notice – the legislative action clarified the process for and details related to informing applicants regarding the consideration of their completed application.	The adopted rules respond by outlining in the detail the process required by applicants to submit a completed application, and the process of application consideration and approval for examination.
43-32-26 Display of License – legislative action clarified the incorporation of registration.	The adopted rules addressed these wording changes.
43-32-27 Denial/ Revocation/ Suspension – legislative action incorporated the various professions for simplification and readability, added authority of the board to assess costs for investigation and disciplinary process, and defined various terminology.	The adopted rules reflect these same wording changes to incorporate consistent processing of application and improve readability of the rules.
43-32-27.1 Complaints – the legislative action incorporated wording to simplify the readability, and provided potential for investigator functions.	The adopted rules reflect the wording simplification and incorporated language.
43-32-30 Exemptions – the legislative action specified the requirement of supervision for students to be exempt from the law, simplified and incorporated other language previously included (related to NDCC 43-51).	The adopted rules reflect the language updates and detail the supervisory requirements.

CHANGES FROM PREVIOUS NDCC 43-32	EXPLANATION OF CHANGES TO NEW NDAC 66
43-32-34 Applied Behavior Analysis/ Renewal/ Fees – the legislative action removed grandfathered requirements and moved much of the information of this section to other various sections previously reviewed.	The adopted rules reflect the removal of the grandfathered requirements and incorporate the previous requirements into other appropriately related sections throughout the article.

7. A regulatory analysis was **not required** by NDCC Section 28-32-08.
8. A regulatory analysis or economic impact statement of impact on small entities was **not required** by NDCC Section 28-32-08.1.
9. These rules do not have a fiscal effect on state revenues and expenditures. A fiscal note was submitted on 1-14-2015 when HB1274 was proposed, as the implications for legislative changes would have a direct impact on the fiscal functioning of the Board. This fiscal note is attached.
10. A constitutional takings assessment was **not required** per NDCC Section 28-32-09.
11. These rules were **not adopted** as emergency rules under NDCC Section 28-32-03.

NDSBPE Response to Public Comments on Legislative Rules N.D.A.C. Title 66

Compiled during Special Board Meeting 1/16/2016 @ 10:11am-2:34pm

Updated with final clarifying language approved at Special Board Meeting 1/18/2016 @ 8:30am

The Board thanks the public for taking time to review and make comments that have served to improve this document. We have responded to each comment, and indicated the brief Board discussion why or why not a change was made. If we made a change for clarification purposes, we identified them as a FIX by number. We have made 8 clarification fixes to the proposed rules (see highlighted bolded response sections below) and inserted the changes below as well as in the FINAL CHANGES ARTICLE 66 document with INSERTED TABLE.

1. Public Comments from Public Hearing on January 5, 2016 at 9amCT

Comment	Related NDAC Title 66 Code	Board Response
A. Very pleased with the proposed changes.	General	Thank you. No changes required.
B. Recognize there is a needed balance of citizen protection but also need for services within the state. Thus, and efficient licensing process is needed. There have been examples of complaints from providers hired but unable to work because licensing process takes months.	General	The NDCC 43-32 permits applicants to practice while applications are processing. An applicant being unable to work is a work-force/employment issue, not one that the board, as a public protector, can address with employers, or third party insurance payors. No changes made.
C. Suggest that the language be clear as to how the Board determines who takes the ND PRE, and more specific information about what the ND PRE is. If this is an alternative to the oral exam, it is viewed favorably. If it is an either or, the specifics about who takes and criteria for determining this would be important.	66-02-01-03	At the present time, the Board developed the new rules language to permit the introduction of a written ND specific jurisprudence and ethics exam (ND Professional Responsibilities Exam – PRE) to, once developed, replace the current Oral Exam process. Rules and development of ND PRE are needed before implementation. At the time the written exam is implemented, all licensure/registration candidates will take the written exam. There would not be a determination as to who takes a written vs. oral. The eligibility to take the written would be the same as the oral is currently – Completed application approved by the board, and passing of EPPP if applicable. The ND PRE will be a replacement for the Oral exam once developed. FIX #1: 66-02-01-09 Clarified language to read: 66-02-01-09. Number of examinations. <i>The national written examination will be administered by computer at designated testing sites throughout the calendar year. The North Dakota oral examination will be administered by the board at least twice each year. The North Dakota professional responsibility examination</i>

		<p><i>will be administered by the board at least twice each calendar year once it is developed and adopted by the board as a replacement for the oral examination.</i></p> <p>FIX #2: 66-02-01-09.1 Paragraph split into two parts as suggested and clarified language in the second paragraph: 66-02-01-09.1. Written examination. <i>The national written examination for psychologists and industrial-organizational psychologists is the examination for the professional practice of psychology. The passing score is a scaled score of 500. Prior to April 18, 1994, seventy percent correct is considered a passing score. A passing score is required for applicants for licensure as a psychologist or as an industrial-organizational psychologist.</i></p> <p><i>Once the written North Dakota professional responsibility examination is developed, the board may require applicants to pass it as a replacement of the oral examination. The written North Dakota professional responsibility examination will assess the applicant’s knowledge of North Dakota law regulating the practice of psychology, industrial-organizational psychology, or applied behavior analysis as well as the applicant’s understanding of ethics, professional law, and standards of practice. The written North Dakota professional responsibility examination will be administered by at least two board members who will proctor and score the examination, and recommend pass or fail to the board. An examinee passes the examination if the majority of the board members present at the meeting vote to confirm passage.</i></p>
<p>D. This same section reads as though the Board is unclear as to the vision for the process of licensure, the Board could call the oral and written exam both PRE, and then specify or clarify who is eligible for which version.</p>	<p>66-02-01-03</p>	<p>See FIX #1 and FIX #2 for item 1C above.</p>
<p>E. The Board needs to clarify how often the written exam is offered. Seems as though this process would still burden board members with proctoring, and it could be done in a testing facility.</p>	<p>66-02-01-03</p>	<p>See FIX #1 and FIX #2 for clarifications on frequency of exams.</p> <p>Once developed, the board could consider the option of testing site administration. The work burden for the board is in the oral examination process where currently three members are required to be present and vote favorably. The Board anticipates the written exam to significantly reduce this load. We will continue to monitor this issue and as the NDPRE is created, will consider alternative administration procedures.</p>

<p>F. The Board has meagerly supported processes, and realizes in comparison to the very smooth MN psychology licensure process there is less efficiency, but there is significantly more funding in MN for their board functions.</p>	<p>General</p>	<p>Thank you for noticing the significant funding differences of the MN board with a licensee funded operation of \$5 million dollars PER YEAR, versus our licensee funded operation of currently about \$37,000 PER YEAR.</p> <p>No changes required.</p>
<p>G. This is a game changer for Sanford, to have temporary practice while applicants licensed elsewhere work through the application process. This means they can get paid for services, which have been denied in the past because they were licensed elsewhere but not in ND. There needs to be clarification if there would be restrictions on the temporary practice during the application process.</p>	<p>66-02-01-03</p>	<p>During the hearing, Dr. Adams Larsen alerted Dr. Ulven that the specific wording in the proposed rules reads: PROVISIONAL. Since the wording is an issue this raised his next comment.</p> <p>No changes made.</p>
<p>H. The specific words used here are determination factors for payors and also employer credentialing bodies. The credentialing department at Sanford has indicated that TEMPORARY license would be okay, but he will check on PROVISIONAL as the word used. ** Further related emailed comments received see below!</p>	<p>66-02-01-03</p>	<p>The Board implemented the word PROVISIONAL as a mechanism to assist applicants with work-force related issues. (NDSBME uses this same terminology). As noted above, the Board has TEMPORARY Limited Practice for those from another jurisdiction with a license in good standing wishing to practice for a TEMPORARY amount of time (30 days per calendar year) without having to apply for licensure in ND. The Temporary Limited Practice Certificate could certainly be a mechanism for working applicants to also apply for TEMPORARY limited practice along with their completed application for licensure.</p> <p>At this time, the Board is also working with other Behavioral Health Boards related to HB1048, and discussing employer concerns related to this work-force issue.</p> <p>As such, no changes in the proposed rules are made at this time.</p>
<p>I. This section talks about fees and deadlines. It seems this year, with the board office move, and the change in law to November 15th for fees and renewal applications, that there have been some challenges. Is November 15th ENOUGH time for the board to get done the renewals? Could it be earlier?</p>	<p>66-02-01-08</p>	<p>The Board office is working towards an on-line renewal process, further improving the efficiency of renewals. The Board stipulates that if licensees have appropriately completed renewal applications, fees, and CE documentation (if required), into the board office by November 15th, the Board will be able to efficiently process these requests on-line. November 15th is the date in NDCC 43-32, and thus a change in these proposed</p>

		<p>rules would have no authority and would not be appropriate.</p> <p>No change made.</p>
J. This section talks about the number of exams, and needs to clarify the oral vs. PRE and clarify the frequency of administration.	66-02-01-09	Addressed already by FIX #1 in item 1C above.
K. This section discusses the written exam and could be separated into two paragraphs. One about the EPPP and one about the oral/NDPRE, and what reason would a person need to take both (currently reads and/or). It would be great to have specifics about what guides "board discretion".	66-02-01-09.1	Addressed already by FIX #1 and FIX #2 in item 1C above.
L. For the Oral and written exams, the frequency seems to have been determined by when there are enough people to convene the Board together to have the Oral exam, and this isn't always in a timely fashion for some applicants. For the Oral exam new rules, why does it have to be 2 board members? Why does the written exam need to be 2 board members? If the exam were written in a testing center the Board would not need to be proctors. It seems there is a history in this state of 'laying eyes' on applications for licensure, and is there any scientifically based evidence that suggests this protects the public any better? What is the best way to protect the public, as the requirement of 2 board members present still burdens the board.	General	<p>In the past two years, the Board has moved to a quarterly Oral Exam schedule that has been posted on our Website. Applicants should be able to plan around the dates offered.</p> <p>Two Board members constituted a Board meeting, and as Oral Examination requires a Board Meeting that enters executive session, two members are the minimum required to be present.</p> <p>If the exam were proctored by a testing center, Board members would not have to proctor, but the additional costs would be pushed along to the applicants.</p> <p>There is policy requirement for photo identification at the national written examination (EPPP) and current Oral Examination, and will be required for the NDPRE by Board policy.</p> <p>Fraudulent applications for licensure have been documented within ND and the Board has become vigilant about authenticity of applicants. It is the Boards' mission and authority to protect the public from harm by unqualified individuals practicing psychology, I/O psychology, and applied behavior analysis.</p> <p>No changes made.</p>
M. Comment about psychology resident and I/O psychology resident, but I just clarified it for myself.	66-02-01-13	No response required.

<p>N. In general, there are significant and positive changes throughout these rules, and the Board time is greatly appreciated. These updates do help providers coming into the state and the efficiency of the process.</p>	<p>General</p>	<p>We appreciate your observations and testimony that the improved rules will translate to improved efficiency to licensure/registration.</p> <p>No changes needed.</p>
<p>O. The writing of these rules seems to come from a culture of a group framework where meager resources limit the process. For example, the burden is clearly on applicants to complete the requirements, and there is limited information about the expectations for the Board's turnaround time or process. Perhaps these expectations should be identified, and even if the Board can't execute them that could bring about change. It would be good to clarify the Board's responsiveness to applicants.</p>	<p>General</p>	<p>The Board has a responsibility to be frugal (see Dr. Fehr's comments below), and to not exceed its operating costs. Required timelines are identified in law and rule - such as Oral Exams being required to be given at least twice per year - which the board has doubled. We are currently holding two concurrent examination processes on the same day, effectively doubling this process yet again.</p> <p>Of course applicants bear the burden to complete requirements, as would be expected in any licensure process such as driver's licensing. We have moved to an on-line universal application (PLUS) to increase applicants' assistance with this process, and the board has moved in the past 5 years to monthly board meetings to vote on applications on a more frequent basis.</p> <p>The Board can only review a <u>completed application</u>, and this is the <u>responsibility of the applicant</u>. The board does not have the resources to individually assist each applicant through this process. Supervisors often have not informed themselves about current licensure processes, despite the legal role of the supervisor to mentor and advise their supervisees through licensure.</p> <p>No changes made.</p>

2. Written Comments from Dr. Alan Fehr – Bill Sponsor – January 4th, 2016 @ 5:28am

Comment	Related NDAC Title 66 Code	Board Response
<p>A. First, let me compliment the Board on your hard work to draft this set of revised rules. I know it is a lot of work and, with the multiple licensees under the Board's jurisdiction, things are becoming increasingly complicated.</p>	<p>General</p>	<p>Thank you. We are volunteers who have spent over 40 hours on the rules writing process alone. (The completion of this review and response document and final changes took 4.5 hours by two board members.)</p> <p>No change needed.</p>
<p>B. With that in mind, I want to give you feedback and suggestions in a number of areas. Many of my</p>	<p>66-02-01-08</p>	<p>No response required.</p>

disagreements relate to the fees section – 66-02-01-08		
<p>C. Renewal Application fee of \$250 – this is excessive. An increase of \$50 would be reasonable, which would put the renewal fee at \$200. Whether other states are currently paying higher renewal rates is irrelevant. It was less than 10 years ago that the renewal fee increased from \$100 to \$150. Such a large increase (67%) is certain to result in wasteful spending. The Board has a particular duty to be frugal with expenditures of funds, since licensees have limited recourse in the form of “checks and balances,” since they can’t vote on the fee increase or vote the Board members out of office. Also, the Board has a responsibility for how reserve funds are invested, to maximize interest without placing the funds at risk of loss.</p>	66-02-01-08	<p>This past legislature increased the size of our board from 5 to 7 members – effectively increasing the board by 40%, which translates to increasing board costs. For example, of in-person board meetings will increase by 40%. To be frugal, the board utilized open-sourced document storage (free, and spares mailing costs), and convenes monthly by teleconference, (which has expenses).</p> <p>In response to the legislative increase in our board membership, a 40% increase in fees was computed be \$210. Additionally, with no further increase in revenue, the Board could not move forward to meet the efficiency demands of legislators and licensees to move to on-line services. \$250 is only \$40 more than this board size increase, and \$10 less than what Dr. Fehr indicates would be a recommended increase.</p> <p>These anticipated increases were detailed in the Boards responses and testimony when the legislature met on HB1274. We also included detailed information and analysis in our fiscal note that was submitted related to HB1274. The increases required to meet our public protection requirement were discussed and disclosed. There were no concerns raised at that time with regard to these expected and disclosed increased renewal fees.</p> <p>Dr. Ulven (public comments noted earlier) had no concerns with regard to the fee increases.</p> <p>Security and efficiency for board functioning require more technological tools than the board is currently able to afford.</p> <p>The Board holds our limited reserve funds in FDIC protected accounts. The Board is significantly concerned about the increased potential for litigation related to at least one pending complaint. While not required, we complete audits every two years and these are publically available.</p> <p>No changes made.</p>
D. The term “North Dakota Professional	66-02-01-08	See FIX #1 and FIX #2 in 1C above.

<p>Responsibility Examination” is an undefined term. I gather that you are working to migrate to a written exam to replace the oral exam but to establish a fee for an undefined term is too vague.</p>		
<p>E. The Late Renewal Application Fee of \$100 and the Late Request for an Extension of Time to Submit Continuing Education Documentation fee of \$100 seem excessive. My guess is that you are trying to create a deterrent to being late. I suggest making them \$50 fees. I think it is reasonable that there should be a fee but, as we all know, using punishers to effect behavior change is problematic.</p>	<p>66-02-01-08</p>	<p>The \$100 fee was chosen to mitigate the significant additional board office and board member efforts to approve renewals and CE reports individually when they arrive late. This fee has not been increased since the original enactment of NDCC 43-32 in 1969.</p> <p>The Board Office and at least two board members spend 20 hours per week during November and December to process these renewals. Late renewals often have significant issues related to incomplete information and documentation, and unapproved CE credits which further require board approval PRIOR to processing of the late renewal application. This delays the renewal at minimum one month.</p> <p>No changes made.</p>
<p>F. What is a “Temporary Limited Practice Certificate” fee? Section 66-02-01-16 lists a \$25 fee as part of the application to allow “limited practice without a license.” However, there is no reference in this section to a “certificate” or that it is “temporary” aside from it being limited to a “calendar year.” Section 66-02-01-03 paragraph 3 allows for a provisional license or registration that is valid for six months but that doesn’t sound like a “temporary limited practice certificate” and it shouldn’t require an additional fee.</p>	<p>66-02-01-08 and 66-02-01-16 and 66-02-01-03</p>	<p>In 43-32-19.1 subsection 5, “the board shall issue a limited practice certificate to an applicant who is licensed or registered in another jurisdiction...”. “A limited practice certificate issued under this subsection authorizes the practice of In this state for no more than thirty days in a calendar year”. Further, NDCC 43-51-05 Limited Practice without a License indicates that there must be a written application and documentation with the Board, and that the Board may not charge a fee greater than \$25. NDCC 43-51-05 defines the calendar year beginning with the date of approved application by the board.</p> <p>The Board introduced the terminology of TEMPORARY to emphasize the limited nature of practice to 30 days per calendar year. To add clarity, the Board Office refers to the approval letter sent from the Board as a Limited Practice Certificate.</p> <p>In 66-02-01-03 subsection 3, “the PROVISIONAL license or registration may be granted and valid for 6 months” language was introduced in response to</p>

		work-force related feedback, see response to item 1H above. No changes made.
G. What is a “continuing education program review” fee? Section 66-03-01-03 allows for CE programs to be approved with payment of a \$25 fee. If this is intended to be the same thing, I suggest you get the wording more similar. Either make it a “continuing education program approval fee” or change the wording in 66-03-01-03 to state “Other programs may be reviewed for approval at any time by the board by submission of ...”	66-03-01-03	You are correct, this is the fee that a sponsor would submit to have a CE program approved by our board, for a fee of \$25. FIX #3 66-03-01-03 Clarification of language in the last sentence was accomplished by replacing “Other” with “ <i>Continuing Education Programs</i> ” and clarifying the name of the form “ <i>Continuing education programs may be approved at any time by the board by submission of a continuing education program approval application form by the sponsoring organization or an individual and payment of a twenty-five dollar fee</i> ”. FIX #4 66-02-01-08 Clarified the name of the form for “CE Program Review” to “ <i>Continuing Education Program Approval Application</i> ”.
H. What is “other fees as set by third parties approved by the board related to examinations, online applications, and processing of payments”? I don’t know what that means.	66-02-01-08	These are “other fees” such as those paid to the provider of the EPPP national written exam, or to ASPPB for the online application for licensure/registration, or any service fees that may be related to the processing of on-line payments for renewals or fees. For example, ND DMV charges a “processing or service” fee in addition to the renewal fees to recoup the costs of credit card transactions to their agency. Since we were listing all the fees in this section we felt it pertinent to indicate there may be other processing fees unrelated to the specific fees listed in this section. No changes made.
I. The organization of the fees section (66-02-01-03) is confusing. It begins with “The following deadlines and fees have been set by the board:” which is followed, not by a listed, but by a narrative, then a listing, ... sort of. It would be more consistent if everything after the colon was a bulleted listing or if there was a heading before a bulleted listing of fees, starting with the “initiation of application fee.”	66-02-01-03 but we think you meant: 66-02-01-08	We appreciate your feedback about the confusion and inconsistent wording. To clarify the form names and associated deadlines and fees, we created a table listing these specifically. We included in this table a listing of forms and documents that are relevant to the licensure/renewal/CE process. This will also help with the earlier comments about clarifying board timelines for various functions in licensing. At this time, the entirety of the table shows underlines as new, however, not all the information is new in the table, but because the information is being placed into a table, the document shows the wording as new.

		<p>FIX #5 66-02-01-08 Using the previous wording changes from other fixes, we clarified through reorganization of the information in 66-02-01-08. Fees into brief descriptor prior to the table/listing of forms/fees: <i>"A completed application initiation form and paid fee must be on file with the board prior to beginning practice under provisional licensure or registration. Failure to pay the annual licensure renewal fee or annual registration renewal fee by November 15 of each calendar year will delay renewal issuance and require the cessation of practice during any period of time the individual has not been issued a valid license or registration. The following deadlines and fees have been set by the board:"</i> TABLE of Documents/Due Dates/Fees (see below)</p>
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3. Written Comments from Public Citizen – January 5th, 2016 @ 10:23am

Comment	Related NDAC Title 66 Code	Board Response
<p>A. One of the proposed changes are: 'Purpose and Mission. The purpose of the board of psychologist examiners is to regulate the practice of psychology, as defined through the legislative authority of North Dakota Century Code chapter 43-32, in the interest of and to preserve and protect the health, safety, and welfare of the public.' Will the Board also continue to 'regulates the practice of psychology within the state of North Dakota by licensing and registering practitioners, auditing continuing education activities, and enforcing legal and ethical requirements for the delivery of psychological services'?</p>	<p>66-01</p>	<p>Yes. No changes needed.</p>
<p>B. Since the Board has already moved it's communications/mailings to the state of GA I will reserve my comments, but I do want to know how moving the Board to Georgia benefits the citizens of ND?</p>	<p>66-01</p>	<p>The benefit of moving the board OFFICE to GA is that it costs less to hire a management company than a single person to do the office administration functions of the Board. Currently, the Board exists on meager budget and the law has changed to require the Board to do more with very limited funds. A management company can offer increased efficiency, increased digital</p>

		functioning, and staff that can answer the phone during general work hours. The Board members, signing of licenses, and meetings are all in ND. No changes needed.
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4. Written comments received from Dr. John Ulven – January 5th, 2016 @ 5:20pm

Comment	Related NDAC Title 66 Code	Board Response
A. Regarding the “Provisional License.” I spoke with the head of our credentialing today. She said that other disciplines (medicine, nurse practitioners) refer to this type of license as a “Temporary License.” I realize that we already have language for a temporary license, but maybe that needs to be changed. She said that the language needs to be “Temporary” because “Provisional” sounds like there are restrictions. I am attaching Mariah Laver Juanto’s license from the state of MN (she gave me permission). You can see that the terminology is “Guest Temporary License.” Our credentialing person said that she would not see any difficulties if similar language was used as MN. We have not had any difficulties with coverage for Mariah in MN, and she sees Sanford Health and NDBCBS, along with many other payors.		See previous responses in 1H. (This is an issue that has been referred to the Behavioral Health Boards Strategic Planning group for consideration.) No changes made.

4. Written Comments received from Dr. Alan Fehr – January 16th, 2016 @ 4:19am

Comment	Related NDAC Title 66 Code	Board Response
A. 66-02-01-03, subsection 1, paragraph a -- You resurrected the term “substantially equivalent.” It is a problematic term but I have struggled to suggest an improvement. We had mainly focused on whether the license was at the doctoral level and if the other state has a post-doc residency, since those are the main differences between states. The situation that I	66-02-01-03 subsection 1, paragraph a	The Board was attempting to insert “substantially equivalent” as a less stringent requirement for evaluation of licensing requirements in other jurisdictions. Previously, “substantially equivalent” was language used to assess an applicants educational program in comparison to a national standard (APA), and this language was removed several rules writings ago. However, “substantially equivalent” is vague, and perhaps does not provide enough instruction. The

<p>think ND should embrace is to allow reciprocity when a psychologist has been licensed in good standing at the doctoral level in another state for an extended period of time. Rather than change the “substantially equivalent” term, I suggest we add another condition: “A license may be granted to an individual licensed or registered in good standing in another jurisdiction with no disciplinary action for a period of 15 years.”</p>		<p>Behavioral Health Strategy group is also grappling with these requirements.</p> <p>In NDCC 43-51-06 Licensure without examination. <i>A board may issue a license, without examination, to any foreign practitioner who has practiced the occupation or profession for which the practitioner is licensed at least two years prior to submitting the application to the board, or for any shorter period of time provided in this title or established by the board by administrative rule, and who meets the other requirements for a license. <u>A board is not prohibited from issuing a license under this section to a foreign practitioner if the state or jurisdiction in which the individual is licensed does not extend similar privileges to individuals licensed in this state.</u> This section does not prohibit a board from requiring a foreign practitioner to take an examination regarding the laws of this state and the rules established by the board.</i></p> <p>RECIPROCITY is a contractual agreement between two or more jurisdictions to ACCEPT the applicants licensed in the other jurisdiction, without additional requirements, and issue a license based upon that agreement. As highlighted above, there is no reciprocal requirement and thus this is not RECIPROCITY, it is actually ENDORSEMENT (basing minimal requirements for licensure in ND on valid licensure for 2 years from another jurisdiction AND requiring further examination).</p> <p>Licensure “TRANSFER” is a process/term being considered by the Behavioral Health Boards planning group, which may actually represent your suggested qualifications.</p> <p>Given the discussion of the behavioral health boards to make more consistent licensing standards (likely to occur next legislative session), we determine at this time NOT to change this section.</p> <p>In the meantime, the Board will utilize your description of “no disciplinary history for at least 15 years and licensed as a psychologist, I/O, or behavior analyst, or registered as a behavior analyst” in another jurisdiction, as being “substantially equivalent”.</p> <p>Board office policy change documented.</p> <p>No changes made.</p>
<p>B. 66-02-01-03, subsection 2 – You introduced the term “ND professional responsibility</p>	<p>66-02-01-03 subsection 2</p>	<p>See FIX #1 and FIX #2 in responses to comments 1C above.</p>

<p>examination.” This seems to be an undefined term. You used the term again in 66-02-01-09. In 66-02-01-13, subsection 2, paragraph b, you referred to “an alternate examination approved by the board,” which sounds like the same thing as the ND professional responsibility examination. If it is the same thing, you should keep your terms consistent but the terms also need to be defined. I’m assuming that this is a written test that you are considering developing based on an APA or ASPPB model due to concerns about oral exams.</p>	<p>and 66-02-01-09</p> <p>and 66-02-01-13 subsection 2 paragraph b</p>	
<p>C. 66-02-01-03, subsection 3 – You list a five year period of time as a minimum to allow a provisional license. I have some mixed feelings about it. I’m wondering if you would consider a shorter period of time, such as 3 years.</p>	<p>66-02-01-03 subsection 3</p>	<p>66-02-01-03 subsection 3 states: <i>“Upon the board’s receipt of a completed application initiation form from an individual licensed or registered in another jurisdiction or certified by the behavior analyst certification board, the board may grant a provisional license or registration that is valid for six months from date of initial application if the applicant is currently in good standing with no disciplinary actions in the previous five years.”</i></p> <p>To clarify, this is the PROVISIONAL licensure the Board added hoping to address the work-force related concerns discussed earlier. Provisional has a time frame of 6 months, during which time it is incumbent upon the applicant to take and pass the required oral/NDPRE examination (and retake if needed) prior to licensing.</p> <p>The FIVE years relates to the disciplinary history that makes such an applicant eligible for this ‘provisional’ status.</p> <p>No changes needed.</p>
<p>D. 66-02-01-08 – In the 2nd sentence you use the term “application for practice.” I think you are referring to an “application for license” but I’m also confused about the term “application initiation form” used in 66-02-01-03, subsection 3, and 66-02-01-13, subsection 1, paragraph a. Is an “application initiation form” a different form than an “application for license?”</p>	<p>66-02-01-08</p>	<p>Thank you for this clarification.</p> <p>We have clarified the initial sentence in the paragraph to refer to the initiation application form to be consistent, AND updated the table to reflect the specific requirements and how the board will respond to this. New wording:</p> <p>FIX #6: 66-02-01-08. Fees. <i>A completed application initiation form and paid fee...</i></p>

<p>E. 66-02-01-13, subsection 2 – I’m confused about the “online application requirements set forth on the application initiation form.” I’m guessing that you are trying to expedite things by having an application short form to start the licensing process but then for applications not eligible for reciprocity who are completing the full requirements, you want that completed online. I note that in paragraph “c” you use the term “updated online application.”</p>	<p>66-02-01-13 subsection 2</p>	<p>An applicant for licensure initiates the process by completing a brief form and submitting the fee. Once the board office receives this, their information is processed to the PLUS system to complete the universal application which collects and banks all aspects of education, training, experience, supervision, and examination documentation accumulated in the licensing process. A completed PLUS application is reviewed by the Board to determine eligibility for licensure when the following are filled out and primary source verified by PLUS: Education requirements, pre-doctoral training requirements, supervisor/endorsements, and any previous examination information.</p> <p>Eligibility for licensure is then determined per 43-32.</p> <p>An applicant may still be accruing post-doctoral supervised training during the application process, and thus, this section would need to be <u>updated</u> prior to final issuance of license.</p> <p>No changes made.</p>
<p>F. 66-02-01-13, subsection 2, paragraph e – I agree that being a resident is not intended to be a permanent status but I don’t see the danger to the public in allowing the five years to continue, since the individual is being supervised. I once had a resident who went over three years as he re-took the EPPP, eventually moving to another state due to our pass score being higher at that time. In spite of not being very good at taking written tests, he was a very good clinician.</p>		<p>ASPPB (owner of the national exam) has significant amounts of data on the passing of the EPPP, indicating that the longer from graduation the exam is taken the poorer the score. Thus, an individual who is waiting 5 years, or repeatedly failing the exam over 5 years, has much less probability of passing (and hence a decreasing likelihood of actually obtaining a license).</p> <p>The Board would argue that this is a public protection issue, as the EPPP is a minimal knowledge test required for entry into the practice of psychology in all US jurisdictions, and clinical skills are but one of many nationally standard requirements for licensure that ND legislators have enacted since the first writing of NDCC 43-32.</p> <p>No changes made.</p>
<p>G. 66-02-01-14 – You conclude this section by describing the re-application process. But 43-32-08.2 states “An individual whose license or registration is not renewed</p>	<p>66-02-01-14</p>	<p>The Board agrees that the requirements for license reinstatement within one year of expiration are clear. The Board did not intend to be punitive, but rather to establish a process for the situations where individuals who have previously been</p>

<p>because of failure to meet the continuing education requirements must be reinstated and the license or registration renewed if, within one year from the date of nonrenewal, the individual demonstrates to the secretary of the board the continuing education requirements have been satisfied, pays the renewal fee, and pays a late fee to be determined by rule of the board.” So you are required to give the licensee a year to correct CE requirements before requiring the re-application. You also used the term “application initiation form and the application process.” I’m not sure what is “the application process” involves. Would you require new transcripts, letters of recommendation, and re-take the EPPP? This seems excessive. It would seem punitive enough that the applicant do a short form and pay the \$450 application fee.</p>		<p>licensed in ND, moved away, and are now moving back and requesting re-licensing.</p> <p>FIX #7 66-02-01-14 We have clarified the language to emphasize AFTER one year, and then the reapplication process is described: <i>“An individual who does not hold a valid North Dakota license or registration for more than one year because of failure to meet this requirement may re-apply for licensure or registration by:”</i></p> <p>We are indicating that the individual would have to begin the application process again. However, if their credentials are already banked in the PLUS system, this would benefit the applicant, as PLUS is meant to be the mechanism for efficient transfer of transcripts, training, documentation, and endorsements, etc., for licensure applications. The applicant would simply request their PLUS application documents be sent to us. If however an individual did not go through the PLUS process, PLUS applications are now required.</p> <p>FIX #8 66-02-01-14 We have clarified the language in step #1 and #2 to emphasize application process for those seeking re-licensure within ND with the following wording:</p> <ol style="list-style-type: none"> 1. <i>Completing an application initiation form and the <u>online application</u>;</i> 2. <i>Paying <u>any</u> required fees; and</i> 3. <i>Passing any written or oral examinations determined appropriate by the board.</i>
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INSERTED TABLE:

Document or Process	Temporal requirement or deadline for receipt by board office	Fee Amount
Supervisor form, submitted by psychology resident supervisor or registered behavior analyst supervisor	Prior to beginning practice in North Dakota	\$0
Application initiation form	Accepted any time prior to completion of online application and prior to beginning practice in North Dakota	\$450
Online application	Completed prior to board review	Fee assessed by and payable to the association of state and provincial psychology boards

Provisional licensure letter or provisional registration letter	Issued by the board upon receipt of the completed application initiation form and fee	\$0
Psychology resident letter	Issued by the board upon receipt of the completed supervisor form and application initiation form and fee	\$0
The national written examination for the professional practice of psychology	Occurs after applicant is approved by the board	A fee is assessed by and payable to test company and a fee is assessed by and payable to the testing site
Oral examination	Occurs after applicant is approved by the board or passes the national written examination	\$0
North Dakota professional responsibility examination	Once developed, and approved by the board as a replacement for the oral examination, the exam is taken after applicant is approved by the board or passes the national written examination	\$50
Temporary limited practice certificate	Complete documentation must be received and approved by the board prior to practice	\$0
License renewal or registration renewal application	November 15, for renewal on January 1 of the next year	\$250
Late renewal application	Received after November 15 and prior to November 15 of the next year	\$100
Late request for an extension of time to submit continuing education documentation	Received after November 15 but prior to January 1 of subsequent year	\$100
Continuing education documentation form	Prior to November 15 of reporting cycle	\$0
Incomplete continuing education requirements	Continuing education completed after November 1 of reporting cycle	\$50
Official licensee or registrant verification, per record	Upon request of verification of licensure or registration by third parties	\$15
Official licensee or registrant verification, per record	Upon request of verification of licensure by regulatory body	\$0
Continuing education program approval application	Accepted any time from continuing education sponsors	\$25
Continuing education program approval application	Accepted from licensees or registrants prior to November 1 st of next reporting cycle	\$0
Various service related	Prior to processing	Variable fees as set by third parties approved by the board, related to examinations, online application, and payment processing.

FISCAL NOTE
Requested by Legislative Council
01/14/2015

Bill/Resolution No.: HB 1274

- 1 **A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$93,000		
Expenditures			\$20,000	\$124,600		
Appropriations			\$20,000	\$124,600		

- 1 **B. County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 **A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB amends several sections of licensing statutes to read more consistently throughout the statute, clarifies powers and duties of the Board, and proposes in Section 16 and 17 to provide appropriated general funds for the promotion of training and networking of professional regulators within ND.

- B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Revenues expected to be \$93,000 across 2015-2016. If amendments pass, expected revenues would offset the fiscal impact. Sections 16 and 17 would not be offset by our revenues and were specifically requested from the general fund, as these sections benefit all occupational and professional boards in ND. (See attached details)

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Our Board is funded primarily by Special Funds generated by renewal fees (average 250 x \$150), new application fees (average of 20 new applicants per year x \$450). (See attached details).

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

See attached details.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

See attached details.

Name: Margo Adams Larsen, Ph.D.

Agency: ND State Board of Psychologist Examiners

Telephone: 701.772.1588 (office)

Date Prepared: 02/17/2015

Fiscal Note for HB 1274 – Prepared by Dr. Margo Adams Larsen

	2013-2015		2015-2017		2017-2019	
	General	Other	General	Other	General	Other
Revenue				93,000* 130,500		
Expenditures			20,000	124,600		
Appropriations			20,000	continued		

*current revenues if bill does not pass.

2A

HB amends several sections of licensing statutes to read more consistently throughout the statute, clarifies powers and duties of the Board, and proposes in Section 16 and 17 to provide appropriated general funds for the promotion of training and networking of professional regulators within the State of North Dakota.

2B

Current revenues are expected to be \$93,000 across 2015-2016. If amendments pass, expected revenues would offset the fiscal impact. Sections 16 and 17 would not be offset by our revenues and were specifically requested from the general fund, as these sections benefit all occupational and professional boards in ND. (See attached details)

DETAILS:

SECTION 3 amendment essentially sets a timeframe between due date of renewal fees (currently December 31-proposed November 15) and renewal date such that the Board office can more effectively process incoming paper applications and renewal fees to ensure licensee compliance and process renewal certificates. In addition, removing the capped fee of “not to exceed one hundred and fifty dollars” and inserting “by rule” permits the board more functionality to address fiscal issues such as the impact this bill will have on our finances as well as exploring the potential for online renewal application processing. It is the intention of our board to increase these fees occasionally to cover the work of the Board, and by defining this fee in statute, the Board has limited capacity to respond to consumer needs. This fiscal impact will be considered in the fees the board sets by rule. Renewal fees are currently \$150. We currently have 256 licensed or registered professionals. The remaining changes in this section simply update the use of technology within the regulatory system and our board office. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 4 amendment permits the board to set the late fee for delinquent renewals by rule. The cost of office staff time to process renewal applications and fees will be considered by the board when setting these fees. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 5 amendment clarifies that the board has authority to establish by rule, fees for administrative services such as official license verifications, which currently are not able to reimbursed and cost about \$10-\$15 per record look up for staff time and verification of records, mailing costs, etc. The fiscal

implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 6, SECTION 7, SECTION 8, SECTION 9, SECTION 10, SECTION 11, SECTION 13, SECTION 14 These sections rearrange for better understanding current language already in our statute, and simply make the comprehension of our statute more efficient. The fiscal implications of these sections are simply in the costs for rule writing that may apply to these changes, (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 12 amendments rearrange current language for better clarity, but also specifically authorize the board the ability to assess costs incurred by the board for investigations related to disciplinary actions, and allow the board to set fines for minor infractions of this chapter. While some of this authority is noted elsewhere in the ND Century Code, including in this section clarifies the boards authority and permits the board to develop a fee structure in rule. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 15

This section removed a grandfathering clause that no longer applies. There will be no fiscal impact.

SECTION 16 and SECTION 17 are new functions proposed to permit the appropriation from the general fund for training funds to cover the costs of bringing a trainer into North Dakota in August 2015 to provide comprehensive regulatory training to any professional board regulators, staff, or attorneys. Our Board would is not able to cover the tuition costs and travel costs for our Board members under our current statute limited structure, and by making this available to more occupational and professional boards, it meets the Legislative initiative to build more consistency across professional boards within North Dakota. However, Boards are not currently able to cover the costs of such training and networking. The fiscal impact of this training, which would occur twice in the next two years, would be \$20,000, and if not permitted through appropriation of the general fund, the costs of SECTION 16 would impose a financial hardship to our Board.

3A REVENUES:

Our Board is funded primarily by Special Funds generated by renewal fees (257x\$150), new application fees (average of 20 new applicants per year x\$450). (See attached details).

DETAILS: If allowed to set fees in rules, the board would consider the increased expenses of rule promulgation, and likely consider a stepped fee increase from our current renewal fee of \$150 by \$50 per year across the next two years. This structure would increase our revenues based on 250 professionals in the following ways: 2015 = 37,500 to 2016 = 50,000 to 2017 = 62,500 (total estimated revenues across two years of \$18,000+50,000+62,500 = \$130,500). If the fees are allowed to be set to cover our costs, these would be estimated revenues. Currently, our revenues would actually be: \$93,000, yet expenditures are expected to increase).

3B EXPENDITURES:

Currently, 832 hours of secretary time are offset by 500 hours of unpaid volunteer time of 4 board members. Estimated costs of fiscal impact of this bill:

- Costs of travel and meetings \$500/time (anticipate 4 meetings across 2 years for total of \$2000).
- Increased costs of legal fees for rule writing and testimony, etc., approximately \$10,000 per year (\$20,000 increase across 2 years). (Current costs are about \$10,000 per year).
- Publication costs for proposed rules: \$1800 per publication time (estimated), possibly 2 times for total of \$3,600 across two years).
- Board work time is anticipated to increase, and paid staff hours need to increase to reduce the load of volunteer board members – estimated costs for increased work-load (1000 hours across two years) would be an additional \$17,000 (across two years). Current costs are \$14,200 per year.
- Office costs are anticipated to increase significantly to provide technological support for responding to consumer and legislative requests, with estimates to be about \$6,000 per year (Currently, office costs are about \$3000 per year). Estimates for 2015-2017 would be an additional \$6,000 across 2 years.
- Reserve funds for unpredictable costs of investigation and litigation are not included in this summary, but the board generally attempts to have between \$15,000 and \$30,000 per year (\$30-60,000 per two years) to cover the investigation and litigation costs of disciplinary actions.

3C APPROPRIATIONS:

Currently, the board has authorization for continuing appropriate for our special fund to spend our revenues per NDCC. These items are noted in the "Other Funds" category, and apply to all but two sections of amendments (Sections 16 & 17).

Sections 16 and 17 of the HB amendments refer to amounts requested to be appropriated from the general fund and are specific to the speaker fees for the training proposed to be offered two times in the next two years. These costs are \$10,000 per training. The funds requested are \$20,000 (total for two years). Our Board does NOT have a mechanism to cover the costs associated with this training should general funds not be appropriated for this purpose.

THE REVIEW

public protection | psychology & applied behavior analysis | regulation

Public Hearing

On the proposed new rules: January 5th 2016, from 9am until 11am (or until those present at 9am are all heard, whichever comes first), at 2100 S. Columbia Road, Suite 202, Grand Forks, ND 58201. Please contact the Board Office if you require any accommodations.

A BIT BOUT YOU!

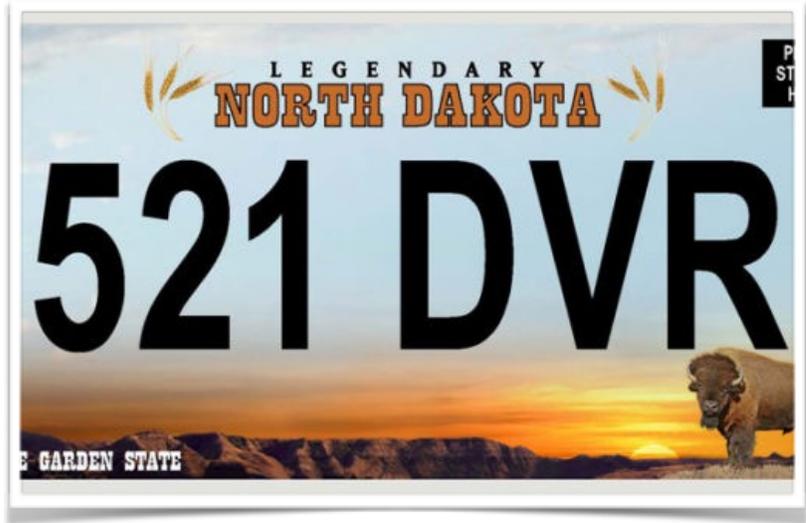
We are in the process of renewing licenses for 2016. But you may be interested in our stats from this year 2015:

NEW		TOTAL
17	LP	255
5	LABA	19
0	RABA	4
0	L I/O P O	

2015 Disciplinary Corner

4 new complaints
5 ongoing investigations
0 dismissed complaints

Settlement Agreements:
None



We Moved!!!

The Board has been through some significant changes this season.

✓We would like to thank Ms. Brenda Biber for her many years of service to the Board, and wish her the best in her retirement endeavors. Ms. Biber helped the board office transform into a more efficient, digital office and brought improved access to our website and inquiry process. We will miss her dedication and compassion for her most important role.

✓The Board was faced with challenges in addressing





NEW UPDATES TO CHAPTER 43-32 arrived in AUGUST 2015

By now, if you completed your renewal application process, you will have read and noted several changes to the chapter of the ND Century Code that creates the board to regulate the practice of psychology, applied behavior analysis, and industrial organizational psychology. Here's some highlights:

- ✓ We grew - the legislature added two new members to our Board - one more licensee and a public member. Though we are all public members, this new position is specified for an individual who is not licensed by or affiliated with any behavioral health board. Terms of three years in staggered appointments remains the same.
- ✓ The Renewal Application date moved up to November 15th. The expiration date remains January 1st. By moving this date up, the board office can ensure there is adequate time to process all the paperwork, CE audits, and fees prior to the expiration date.
- ✓ New law from the legislature, requires the Board to implement rule changes to be in keeping with them. These have been written, and are working their way through the promulgation process.

increasing demands in the office with increasing costs for excellent personnel. The Board worked with the State of ND Procurement Office to put out a Request for Proposals to fill our back-office needs. We received and reviewed two very fantastic proposals, both from out of state entities. The procurement process involves the evaluation committee to review and rank each application. This process resulted in an offer of contract to the Association for State and Provincial Psychology Boards (ASPPB) to provide our back office services. ASPPB knows psychology regulation well, and they have a growing presence in the office management and credentialing management services, and have a great staff with friendly southern accents. Please welcome Ms. Emily Hensler to our Board Office Secretary position. You may be familiar with her as she has previously been serving as our PLUS specialist.

NEW OFFICE CONTACT INFORMATION:

NDSBPE

P.O. Box 69

Tyrone, GA 30290

P: 678-216-1190 F: 678-216-1184

boardoffice@ndsbpe.org



Quick Tips for Supervising Psychology Residents

If you plan on supervising the practice of psychology or applied behavior analysis in ND, there are several factors you will want to keep in mind. APA Practice Central recently published a great article for Practitioners on Supervising an intern or postdoctoral trainee by the Legal and Regulatory Affairs Staff, see: (<http://www.apapracticecentral.org/business/practitioners/supervising-intern.aspx>). Questions they suggest reviewing include:

How does ND state law define supervision?

Chapter 43-32-20.1 defines postdoctoral supervised psychological employment, and provides key factors to note related to the supervision of a psychology resident, a title defined in 43-32-01 subsection 11 to require both supervision and registration with the board. The supervisor MUST have held a license for at least 3 years, and have a competency in supervision and the area of practice being supervised. The supervisor MUST register their supervision with the Board Office as well as on yearly renewal paperwork.

How is supervision conducted?

Supervision can be direct through either face-to-face or distance communications, occur weekly, and consist of at least 100 hours of direct supervision, 50 of these hours MUST be with the primary supervisor and the remaining with other professionals competent in the area supervised and designated by the primary supervisor.

Does ND require a contract between you and the trainee that must be submitted to the licensing board?

ND law does not specify a contract requirement, though best practices and APA ethical guidelines would support such practices. Supervisors will be asked to verify the number of hours of supervised experience obtained and the number of supervision hours provided.

What title may the supervisee use since s/he is not yet a psychologist?

The title PSYCHOLOGIST is reserved only for those individuals licensed to practice psychology within the State of ND. Thus, supervisees should never refer to themselves as such, nor should their job title indicate this title. Supervisees who are applying for licensure and who have complied with the requirements to submit an application for licensure to the board, have a supervisor with three years licensed experience submit a supervision notification form to the board office, who have paid the appropriate fees, may refer to themselves as Psychology Residents, and generally should inform service recipients of the contact information for their supervisor.

How do I address the financial aspects of supervision - can I charge?

Can I bill for services a supervisee provides?

ND law is silent with regard to payment for supervision. Nor does ND practice law provide any governance over billing for services. Psychology supervisors who are interested in billing for services provided by a psychology resident are encouraged to contact the respective insurance carriers to determine how to go about billing for these services.

Who else to check with?

There are many folks to talk to in considering supervising a post-doctoral trainee, make sure you call them all: Risk Manager to determine if your malpractice insurance will cover, lawyer for legal contractual and practice advisement, insurance carrier, employment billing department, and employer policy department.

When do I need to be in touch with the Board Office:

- ✓ If you are interested in volunteering for CE credits.
- ✓ If you are going to be hiring an individual licensed elsewhere.
- ✓ If you are going to be supervising a psychology resident.
- ✓ If you are going to be supervising a Registered Applied Behavior Analyst.
- ✓ If you recently changed your name.
- ✓ If you are involved in any type of legal process such as arrest, investigation by a regulatory body or employer, conviction, malpractice suit.
- ✓ If you would like to request the CE committee review a not-yet-approved CE program you plan on attending (or attended).
- ✓ To renew your current license.
- ✓ To inquire about the ethical or legal practices in psychology.
- ✓ To report concerns of unlicensed or inappropriate practice.

When can I attend Board Meetings?

ANYTIME!

Board meetings are open meetings, available for any ND citizen (including licensees) to attend. The board would welcome your observation of the regulatory process in ND. CE credits for attending count towards the three required hours of jurisprudence, law, and ethics (and are free)!

WHAT TO EXPECT

Board meetings are focused on the agenda at hand, and unless you are on the agenda, you will not be asked to identify yourself or address the board. Likewise, the Board does not address open public comments at its meetings, and you should not expect to participate in the board meeting in such a manner.

EXECUTIVE SESSION

By law, the board must conduct discussion of confidential information in Executive Session, where the public is asked to leave, and the meeting is recorded digitally when only attended by Board Members, secretary, and counsel. All Oral Examinations are given in Executive Session as they contain confidential information.

How can I get more involved with the regulatory process?

- ✓ You can put your name forth to our Board Office.
- ✓ You can complete paperwork in the Governor's Office, indicating your interest.
- ✓ You can get involved with other regulatory boards as their public member.
- ✓ You can volunteer for various activities of the Board for CE credits.
- ✓ You can begin to attend board meetings to see the work in action!