



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 125-20 – Regulations Governing the Practice of Psychology
Department of Health Professions
January 11, 2008

Summary of the Proposed Amendments to Regulation

The Board of Psychology (Board) proposes to make amendments to the regulation that include: (1) allowing licensees to satisfy continuing education requirements through courses that emphasize the ethics, standards of practice, or laws governing the profession of psychology in any state, not just in Virginia; (2) reducing the continuing education hours required to be face-to-face from seven to six (out of an annual continuing education requirement of fourteen hours) and allowing those face-to-face hours to be either face-to-face or real-time interactive¹; (3) allowing the presentation of a seminar, workshop, or course, or the publication of an article or book in a recognized publication, be counted towards up to four hours of continuing education hours as long as the hours are credited only once for each unique course/piece and are not credited toward the face-to-face requirement; (4) allowing a maximum of 14 hours as continuing education to be accepted for an academic course directly related to the practice of psychology; (5) deleting the means by which course providers not listed as continuing education providers can apply for approval by the Board as continuing education providers.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Under current regulation, a minimum of 1.5 of the 14 hours of continuing education required for license renewal must be in courses that emphasize the ethics, standards of practice,

¹ Real-time interactive is defined as a course in which the learner has the opportunity to interact with the presenter and participants during the time of the presentation.

or laws governing the profession of psychology in Virginia. Under the proposed amendment, the same courses for the same number of hours will be required, but the standards or laws will no longer be limited to those in Virginia. The Board is proposing this change because some Virginia licensees practice in other states and the standards of practice or laws governing the profession are not substantially different from state to state. This amendment will benefit those psychologists licensed in Virginia who practice out of state, since they will no longer have to complete courses that are effectively redundant. There are no foreseeable costs to this amendment, as those psychologists practicing only in Virginia are not likely to change their behavior or choice of courses based on this amendment. Therefore, the benefit of this proposal outweighs the cost.

Under current regulation, at least seven of the 14 hours of continuing education required for license renewal must be earned in face-to-face educational experiences. Under the proposed amendment, not only will the number of required face-to-face hours be reduced to six, but the six hours can be earned either in face-to-face *or* real-time interactive educational experiences. Real-time interactive experiences include courses in which the learner has the opportunity to interact with the presenter and participants during the time of the presentation. The impetus for this change was a petition from a psychologist to reduce or eliminate altogether the requirement for face-to-face hours. Both the Board and some practicing psychologists feel, however, that there is merit in requiring psychologists to acquire some continuing education in an interactive setting with peers in the profession. The reduction to six hours was made because this makes it easier for licensees to acquire the hours in one full-day course or two half-day courses. The allowance of real-time interactive courses to complete the requirements gives licensees the option of completing the requirement through online courses, which reduces the travel time or other inconveniences of the face-to-face requirement.

The benefit of both changes is that licensees have the option of expending fewer resources to complete their continuing education requirement. Licensees can still complete seven hours of face-to-face continuing education if they feel it is important, but they can also complete only six hours of face-to-face or they can use the real-time interactive option to make the hours easier to complete. There will be a cost to these amendments only if lowering the face-to-face hours or allowing for real-time interactive courses lowers the quality of the continuing education and therefore reduces the effectiveness or qualification of the psychologist. Since the

Board argues that the benefit of the face-to-face courses is in the instructor and peer interaction, the real-time interactive courses should provide the same benefit; therefore, the substitution should not impose a cost. Also, the Board does not believe that lowering the face-to-face/real-time interactive requirement from seven hours to six hours is enough of a reduction in the requirement to compromise the quality of the continuing education. Therefore, the costs to this amendment should be minimal—if any—and will be outweighed by the benefits to licensees.

The proposed regulation includes language that would allow licensees to use presentations of seminars, workshops, or courses, or the publication of articles or books in a recognized publication, to complete some of their required hours of continuing education. The Board feels that there is substantial learning that must occur on behalf of the author or presenter in course preparation and in the publication of an article or book. This learning, therefore, should be able to be counted towards continuing education as long as it does not take away from other continuing education that the Board also feels is critical to the practice of psychology. For this reason, no more than four hours per renewal cycle can be completed through course preparation or publication (combined), the hours may be credited only once for each unique course or publication, and the face-to-face requirement discussed in the earlier paragraph cannot be fulfilled by these activities. The benefit of this amendment is that licensees have more flexibility, especially those licensees whose scholarly expertise is sought. Given the stipulations made in the regulation, it does not seem likely that this amendment will reduce the quality of the continuing education or in the practice of psychology. Therefore, the benefits of this amendment outweigh the costs.

Under the current regulation, any regionally accredited institution of higher learning is approved to provide continuing education, but there is no specification for converting academic credit hours to continuing education credit hours. The proposed amendment specifies that a maximum of 14 hours will be accepted for each academic course directly related to the practice of psychology. Since 14 hours of continuing education is required for each renewal, if a licensee took one academic course, their continuing education requirement for the renewal year would be fulfilled. The benefit of this amendment is a clarification for licensees and the Board regarding the equivalency of an academic course in continuing education. Since this does not represent a change in policy, there is no cost to this amendment. Therefore, the benefit of this amendment outweighs the cost.

The current regulation outlines a process by which an individual course provider can apply for approval by the Board as a continuing education provider. The Board proposes to eliminate this process and rely on a very broad listing of providers listed in the regulation. Any individual who currently has board approval for a course may continue to offer the course that is approved until approval expires two years from issuance. Thereafter, such an individual would need to offer the course through an entity, institution, or organization approved in subsection A of the proposed regulation. The Board is proposing this change because approval of continuing education providers has become problematic. It is very time-consuming to obtain the necessary documentation about a course offering and presenter and if the offering is from someone out-of-state or someone unknown to board members, there is little or no knowledge about the quality of the course and no opportunity for follow-up to ensure that it is presented as described. The Board does not have the expertise, the staff or the system to ensure that individuals are qualified to provide continuing education. In addition, Section §54.1-3606.1.B of the Code of Virginia provides that “any licensed hospital, accredited institution of higher education, or national state or local health, medical, psychological, or mental health association or organization may submit applications to the Board for approval as a provider of continuing education courses satisfying the requirements of the Board’s regulations.” Therefore, the Board has no specific statutory authority to approve individuals as providers of continuing education. For these reasons, the Board feels it is better to rely on the professional associations, hospitals, and educational institutions to determine approval of continuing education.

There are two major benefits to this amendment; the Board will not have to use its resources to try to determine the qualification of an individual course or provider, and the quality of the continuing education offerings can be ensured by relying on those organizations with the resources and qualification to determine the quality of the offering. The cost is to individuals who would like to offer continuing education to psychologists. Instead of being able to apply directly to the Board for approval of the course, the individuals will have to gain approval through the institutions listed in the regulation.² Given the breadth of institutions, associations,

² The proposed regulation will read as follows. The following organizations, associations, or institutions are approved by the Board to provide continuing education: (1) Any psychological association recognized by the profession or providers approved by such an association. (2) Any association or organization of mental health, health or psychoeducational providers recognized by the profession or providers approved by such an association or organization. (3) Any association or organization providing courses related to forensic psychology recognized by the profession or providers approved by such an association or organization. (4) Any regionally accredited institution of

and organizations that are available to give approval, however, it does not seem that the cost of either providing or acquiring continuing education will be considerably higher. Therefore, the benefits of ensuring the quality of the continuing education outweigh any potential costs of the amendment.

Businesses and Entities Affected

The individuals affected by the regulation are those persons licensed by the Board of Psychology and those individuals who have been approved as continuing education providers. There are a total of 2069 licensees who will be affected by this proposal: 45 applied psychologists, 1912 clinical psychologists, and 104 school psychologists. In addition, there are eight continuing education providers who will be affected.

Localities Particularly Affected

The proposals do not disproportionately affect specific localities.

Projected Impact on Employment

The proposed change is not anticipated to have any significant impact on employment.

Effects on the Use and Value of Private Property

By increasing the flexibility with which psychologists can fulfill their continuing education requirement (fewer face-to-face hours, allowing the substitution of real-time interactive courses, allowing a presentation or publication to count towards continuing education), this amendment could increase the value of a psychologist's practice, and thereby increase the value of private property.

Small Businesses: Costs and Other Effects

Most psychologists practice in small businesses. The proposed change could provide a benefit to these small businesses by increasing the flexibility with which psychologists can fulfill their continuing education requirement, thereby allowing psychologists to spend more time in the practice of psychology, and thereby increasing the value of their business.

higher learning. (5) Any governmental agency or facility that offers mental health, health, or psychoeducational services. (6) Any licensed hospital or facility that offers mental health, health, or psychoeducational services. (7) Any association or organization that has been approved as a continuing competency provider by a psychology board in another state or jurisdiction.

Small Businesses: Alternative Method that Minimizes Adverse Impact

There is no alternative method that will achieve the stated policy goals more efficiently.

Real Estate Development Costs

The proposed amendments do not create additional costs related to the development of real estate for commercial or residential purposes.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.