

11/16/92
4a.

STATE OF MINNESOTA

BEFORE THE MINNESOTA

COUNTY OF RAMSEY

BOARD OF PSYCHOLOGY

In the Matter of the Proposed
Adoption of Rules of the Minnesota
Board of Psychology Relating to
Continuing Education for the
Purpose of Implementing Minn.
Stat. SS 148.88 to 148.98
(1991 Supplement)

STATEMENT OF NEED
AND REASONABLENESS

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MINNESOTA BOARD OF PSYCHOLOGY

November 2, 1992

STATEMENT OF NEED AND REASONABLENESS

I. GENERAL INTRODUCTION

In 1991 the Legislature passed a new psychology act, superseding the existing practice that became law in 1973. The new practice act became Laws of Minnesota 1991, Chapter 255.

The new practice act imposed additional duties on the Board of Psychology, instituted a new licensure category, phased out independent licensure for master's level psychologists, and mandated continuing education as a requirement for renewal of license. The practice act was further amended in Laws of Minnesota 1992, Chapter 513, Article 6, Sections 29-33, and appropriations for the purpose of implementing the practice act were provided in Article 5, Section 8.

The Statement of Need and Reasonableness which follows the Statement of the Board's Statutory Authority and Small Business Considerations addresses rules proposed to correct existing rules so that they conform to the changes made in the statutes by the new psychology practice act.

II. STATEMENT OF THE BOARD'S STATUTORY AUTHORITY

The Board's statutory authority to adopt and amend rules relating to licensure requirements, fees, and professional conduct is set forth in Minn. Stat. SS 148.905, subds. 1(1), (2), (7) and (9), and 2 (1991 Supplement); and 214.06, subds. 1 and 2 (1990). Section 148.905, subd. 1(1) grants the Board the authority to adopt and enforce rules for licensing psychologists and for regulating their professional conduct. Subd. 1(2) grants the Board the authority to adopt rules that provide for examinations and establish a code of professional ethics and requirements for continuing education. Subd. 1(7) grants the Board the authority to establish reasonable fees for the issuance and renewal of licenses and other services of the Board. The fees must defray the costs of administering the provisions of SS 148.88 to 148.98 including applications, examinations, enforcement, and the cost of maintaining the operations of the board. Subd. 1(9) grants the Board the authority to establish or approve programs that qualify for professional psychology continuing educational credit. Subd. 2 grants the Board the authority to adopt rules as necessary to define standards or to carry out the provisions of SS 148.88 to 148.98. Section 214.06, subdivision 1 requires each regulatory board to promulgate rules providing for the adjustment of fees so that the total fees collected will as closely as possible equal anticipated expenditures during the fiscal biennium. Section 214.06, subdivision 2 requires each regulatory board to promulgate rules providing for the renewal of licenses. Under these statutes, the Board has the authority to amend its rules.

III. SMALL BUSINESS CONSIDERATIONS

Minn. Stat. S 14.115 requires administrative agencies, when proposing a rule or an amendment to an existing rule, to consider various methods for reducing the impact of the proposed rule or amendment on small businesses and to provide opportunity for small businesses to participate in the rulemaking process. It is the Board's opinion that Minn. Stat. Section 14.115 does not apply to these proposed rule amendments.

However, in the event of disagreement with the Board's position, the Board has reviewed the five suggested methods listed in section 14.115, subdivision 2, for reducing the impact of the rules on small businesses. The five suggested methods enumerated in subdivision 2 are as follows:

- (a) the establishment of less stringent compliance or reporting requirements for small businesses;
- (b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) the exemption of small businesses from any or all requirements of the rule.

As part of its review the Board considered the feasibility of implementing each of the five suggested methods, and considered whether implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking.

1. It would not be feasible to incorporate any of the five methods into these proposed rule amendments.

Methods (a)-(c) of subdivision 2 relate to lessening compliance or reporting requirements for small businesses either by (a) establishing less stringent requirements, (b) establishing less stringent schedules or deadlines for compliance with the requirements, or (c) consolidating or simplifying the requirements. Since the board is not proposing any compliance or reporting requirements for either small or large businesses, it follows that there are no such requirements for the Board to lessen with respect to small businesses. If, however, these proposed amendments are viewed as compliance or reporting requirements for businesses, then the Board finds that it would be unworkable to lessen the requirements for those psychologists who practice in a solo or clinic setting of fewer than 50 employees, since that would include the vast majority of psychologists. Method (d) suggests replacing design or operational standards with performance standards for small businesses. The Board's amendments do not propose design or operational standards for businesses, and

therefore there is no reason to implement performance standards for small businesses as a replacement for design or operational standards that do not exist. Finally, method (e) suggests exempting small businesses from any or all requirements of the rules. Under the Board's view that these proposed rule amendments do not in any way regulate the business operation of psychologists, there are no rule requirements from which to exempt small businesses. However, if these proposed amendments are viewed as regulating businesses insofar as they regulate psychologists, then it would hardly make sense for the Board to exempt from its rules those psychologists who practice in a solo or clinic setting with fewer than 50 employees, since they constitute the vast majority of psychologists. For all of these reasons, it is not feasible for the Board to incorporate into its proposed amendments any of the five methods specified in subdivision 2 of the small business statute.

2. Reducing the impact of the proposed amendments on small businesses would undermine the objectives of the Minnesota licensing law for psychologists.

Pursuant to the Minnesota licensing law for psychologists, Minn. Stat. SS 148.88 to 148.98, the Board was created for the purpose of establishing requirements for licensure and adopting ethical standards governing appropriate practices or behavior for psychologists. Pursuant to Minn. Stat. S 148.905, subd. 2, the Board is specifically empowered to "adopt rules necessary to define standards or to carry out the provisions" of the Minnesota licensing law for psychologists. Given these statutory mandates, it is the Board's duty to establish rules relating to the practice of psychology which apply to and govern all applicants and licensees, regardless of the nature of their practice. As it has been stated above, it is the Board's position that the proposed amendments will not affect small businesses, and certainly do not have the potential for imposing a greater impact on psychologists practicing in a large business setting. It has also been explained above that the Board considers it infeasible to implement any of the five suggested methods enumerated in subdivision 2 of the small business statute. Nonetheless, to the extent that the proposed rule amendments may affect the business operation of a psychologist or a group of psychologists, and to the extent it may be feasible to implement any of the suggested methods for lessening the impact on small businesses, the Board believes it would be unwise and contrary to the purposes to be served by these rules for the Board to exempt one group of psychologists - indeed, the majority of psychologists - from the requirements of these rules. Similarly, the Board believes it would be unwise and contrary to its statutory mandate for the Board to adopt one set of licensure requirements for those psychologists who work in a large business setting and adopt another, less stringent, set of licensure requirements to be applied to those psychologists who practice in a solo or small clinic practice. It is the Board's view that these rule amendments must apply equally to all psychologists, if the public whom they serve is to be adequately protected.

IV. INTRODUCTION AND STATEMENT OF NEED FOR RULES

Laws of Minnesota 1991 Chapter 255 created a new psychology licensure law. The legislation included continuing education as a requirement for retention of the license to practice psychology. Minn. Stat. S. 148.905, subd. 1 enumerates the powers and duties of the Board of Psychology. Clause 2 grants the Board the authority and requires it to adopt rules setting requirements for continuing education. Clause (9) requires the Board to establish and approve programs qualifying for continuing education credit. Minn. Stat. S. 148.911 requires licenses to meet continuing education requirements set by the Board and requires the Board to set the minimum number of continuing education hours required each year. The section also gives the Board the power to specify subject or skills areas which must be addressed and requires the Board to consider the need for continuing education in ethics, forensic practice and supervision.

Clearly, then, the need for continuing education rules is established: the law now requires the Board to institute continuing education and set the number of hours of continuing education required for renewal, and permits the Board to specify areas which must be addressed. A regulatory board may set licensure and renewal requirements only by rule.

In drafting continuing education rules, the Board received the cooperation of a committee of psychologists in academia and in private practice. The committee believes the resulting draft fulfills the purpose of maintaining competence in the provision of psychological services to the public.

The reasonableness of the rules proposed to fulfill the legislative directive for continuing education will be addressed as each part is explained below.

7200.0100. DEFINITIONS, Subpart 4a.

This new subpart defines "continuing education" as a "wide range of education and training activities designed to contribute to the development and enhancement of skills associated with professional practice in psychology." Included in those skills are: "assessment, intervention, consultation, supervision, teaching, scholarly activity, and the application of ethical, legal and quality assurance standards."

The definition is needed so that sponsors of continuing education activities and licensees who will be required to engage in continuing education activities in order to retain their licenses will know both what continuing education is intended to accomplish and how to evaluate whether a given activity will meet renewal requirements. It is reasonable to include "supervision" and "ethical" standards in the definition as suggested by Minn. Stat. S. 148.911, as they are issues which are broadly applicable to the practice of psychology, crossing all fields of practice and crucial for the protection of all populations served. The Board also considered including "forensic practice" in the definition. However, because the term "forensic practice" has generally evolved to mean a specific field of practice relating to expert psychological testimony in criminal and civil cases,

it is reasonable to substitute the generic term "legal standards" for "forensic practice" because it is broadly applicable to all fields of psychological practice. The term "legal standards" also addresses the need for psychologists to be cognizant of laws which directly or indirectly impact on services provided to clients, such as, for example, reporting abuse of children and vulnerable adults under Minn. Stat. SS 626.556 and 626.557.

The subpart also defines a continuing education hour as 60 minutes and provides that credit is given for half hour increments. A definition of what constitutes a unit of time is needed to avoid confusion and uncertainty regarding the number of units (hours) to credit a given continuing education activity or to determine whether a licensee has met the continuing education requirements at renewal time. The definition is reasonable in that it equates a continuing education unit with a standard clock hour. It is also necessary to stipulate what portion of an hour will be the smallest portion which can be counted toward meeting continuing education requirements, so that the time period for continuing education activities need not be structured to equal exact multiples of one hour. It is reasonable to set a half hour as the increment on which continuing education credit will be based because a half hour is a long enough time period to develop a concept, yet short enough to permit credited hours to approximate the actual amount of time spent in a continuing education activity.

For example, a continuing education activity lasting 85 minutes would be credited for 1.5 hours. An activity lasting 110 minutes would be credited for 2.0 hours. An activity lasting 130 minutes would also be credited for 2.0 hours, as ten minutes is closer to 2.0 hours than to 2.5 hours. It should be pointed out that if a whole hour is employed as the countable increment, activities lasting less than 45 minutes could not receive credit, and if "to the nearest whole hour" would not be included, activities lasting less than 60 minutes could not receive credit, not could any portion of an hour in excess of an hour but less than the next whole hour. In fairness to both the continuing education activity sponsors and licensees, one half hour increments provide the closest approximation to time spent on the activity without unduly complicating the computation.

7200.0100, subpart 9a.

This new subpart defines "sponsor" as a person or entity who organizes a continuing education activity. The word "sponsor" was chosen instead of "vendor" because "vendor" implies an exchange of money for goods or services. The term "sponsor" neither precludes charging a fee for attending a continuing education activity nor excludes by implication an activity presented without charge. It is necessary to define "sponsor" because the word appears throughout the continuing education rules. Without a definition, confusion would result. The definition is reasonable because it states formally a commonly accepted concept among professionals.

The subpart also explicitly permits sponsors to charge fees for continuing education activities and permits the Board's licensees to be sponsors. The permission language is needed to alert would-be sponsors that they may charge for their services and to alert licensees that they are not excluded from designing and offering continuing education activities with or without fees. The permission

is reasonable because organizing and advertising continuing education activities involve expenditures of time, money, and resources, and because licensees who may have psychological insights to share with others will be able to do so as formal continuing education activities.

7200.0100, subpart 9b.

This new subpart defines "sponsored continuing education activity" as an activity organized for presentation to others. The definition is needed because the term is used throughout the continuing education rules and the continuing education rules also provide for a licensee to receive credit for individually designed (unsponsored) continuing education activities. The definition clarifies the distinction between sponsored continuing education activities and individually designed activities. The definition is reasonable because it states formally a commonly accepted concept--that sponsored continuing education activities are formal, organized, and structured, as opposed to individually designed activities which involve no externally imposed structure or design.

7200.3400 RENEWAL DEADLINE.

Subpart 1. Renewal date, information required. This subpart is amended to require the license renewal form to include the list of continuing education activities (including sponsors, dates, titles, and hours) engaged in by the renewing licensee since initial licensure or the preceding renewal. The amendment is needed so that the Board has a record of the continuing education activities claimed by licensees and a method to readily check whether the activities meet requirements and that the number of continuing education hours is sufficient to meet the requirements for renewal. The amendment is reasonable because it places no duties on licensees other than to report their continuing education activities on the renewal form.

The subpart is also amended to specify that the renewal certificate shall not be issued unless the continuing education requirements have been met. The amendment is needed to make clear what is implied in Minn. Stat. S. 148.911: that retention of the license to practice is based on completion of continuing education requirements established by the Board. The amendment is reasonable because it unequivocally states the requirements for retention of the license and alerts licensees to the need for complying with Minn. Stat. S. 148.911.

The amendment also requires licensees to keep documentation of attendance at continuing education activities for two years after the renewal date. The amendment is needed to alert licensees that it is their responsibility to provide such documentation in the event the Board asks for proof of attendance. The amendment is reasonable because retention of documentation is limited to the period of renewal. It is also reasonable because licensees are responsible in general for ensuring that they are meeting legal requirements for retaining their licenses.

Subpart 2. Temporary Renewal Certificate. This subpart is added to provide the means whereby a licensee who is unable to meet continuing education

requirements by his or her renewal date can meet the requirements after that date without losing the right to practice. The subpart spells out the procedure for requesting a time-limited variance on the requirements in subpart 1, limits the variance and issuance of a temporary renewal certificate to six months, prohibits using continuing education hours completed to meet the current renewal period requirements, and provides for the expiration of the temporary renewal certificate upon completion of the continuing education requirements (in which case the renewal certificate is issued) or the end of the variance period (in which case the right to practice ceases), whichever comes first. The subpart is needed to give licensees with legitimate reasons for failure to complete continuing education requirements (such as an extended period of illness, for example) a chance to complete the requirements and not lose their right to practice. The subpart is reasonable because it makes use of variance procedures already established in part 7200.6000 and provides a sufficiently long variance period for the licensee to make up the required continuing education activities. It is also reasonable to prevent the continuing education activities completed during the six month period from being used to meet the requirements of the renewal period in which they occur, as well as meeting the preceding renewal period, because permitting double credit defeats the purpose for which continuing education is intended: maintenance of practice skills for the protection of the public.

7200.3610. RELICENSURE FOLLOWING TERMINATION.

Subpart 1. Relicensure requirements. The amendment to this subpart adds the term "voluntarily terminated" to the procedure for becoming relicensed after termination. The amendment is needed because former licensees who voluntarily terminated their licenses appear to be precluded from becoming relicensed in the subpart as it is written. There was never any intention on the part of the Board to exclude persons who voluntarily terminated their licenses from relicensure. Explicit inclusion of voluntarily terminated licenses is urgent because of the new continuing education requirements for maintaining the right to practice. The amendment is reasonable because former licensees who voluntarily terminated their licenses have equal status with those whose licenses were terminated for non-renewal of the license.

Subpart 2. Continuing education requirements for relicensure. This subpart provides the continuing education requirements for former licensees who seek to be relicensed: compliance with continuing education requirements of another state in which the former licensee has been (or is) licensed, or if not licensed in another state, evidence of completion of at least 40 hours of continuing education activities. The subpart is needed to ensure that a former licensee requesting relicensure has continued to comply with requirements for maintaining skills necessary for competent and ethical practice. The subpart is reasonable because it imposes no greater continuing education requirements than that of the other state in which a license is held or completion of the same number of continuing education hours as are proposed for renewal of license in new part 7200.3820.

7200.3810 PURPOSE OF CONTINUING EDUCATION.

This new part states the purpose of mandating continuing education to be the promotion of the health and wellbeing of Minnesota residents who seek services from licensees, and promotion of the professional development of their providers. The part also states that professional growth and maintenance of competence are ethical responsibilities of each licensee. It is necessary to state the purpose of continuing education so that the reason for continuing education is clear to licensees. The stated purpose is reasonable because it reflects both the purpose of psychological services (health and wellbeing of clients) and the purpose of regulatory boards (establishment and monitoring of professional standards for the protection of the public). It is also necessary to state that continued professional growth and maintenance of competence are ethical responsibilities so that licensees are alerted that failure to complete continuing education requirements may result in disciplinary action as well as loss of the rights of practice. The statement is reasonable because the concepts of professional growth and continued competence are inherently part of the standards by which psychologists nationwide are expected to practice.

7200.3820 CONTINUING EDUCATION REQUIREMENTS.

This new part states that for license renewal a minimum of 40 hours of continuing education activities are required to be completed during the preceding (two year) renewal period, and that the activities must be approved by the Board in order to count.

The part is needed so that the number of required continuing education hours is established and formalized as required by Minn. Stat. S. 148.911. The number of hours is reasonable because it is within the range of hours required by other Minnesota health boards and psychology boards in other states.

The continuing education hours required by psychology board in other states are as follows:

Number of Continuing Education Hours per Year	Number of States
0	20
less than 20	7
20	13
24-40	6
over 40	3

(Data obtained from Handbook of Licensing and Certification Requirements for Psychologists in North America, January 1992; published by Association of State and Provincial Psychology Boards.)

Of the Minnesota health boards that require continuing education, seven require the equivalent of 15 hours per year*, one requires 20, one requires 25, one requires 20 per year plus 30 additional in a three-year cycle.

*The figure of 15 hours per year is obtained by dividing the number of total continuing education hours required by the number of years in the renewal or continuing education cycle. Usually the hours need not be earned in equal increments throughout the cycle.

7200.3830 APPROVAL OF CONTINUING EDUCATION PROGRAMS.

Subpart 1. Continuing education activities eligible for approval. This new subpart enumerates in items A to G the types of continuing education activities designated as sponsored activities that may be used to meet continuing education requirements, provided the activities meet the definition of continuing education in part 7200.0100, subpart 4a, and pertain to psychology or enhance psychological skills. The subpart is needed to inform both licensees and potential sponsors about what types of activities are considered by the Board to be acceptable sponsored activities. Listing acceptable sponsored continuing education activities is reasonable because it reduces the degree of uncertainty as to whether a proposed activity will be accepted.

Item A concerns developing and teaching for the first time an academic course in psychology in an institution accredited by a regional accrediting association, for which one academic credit/unit/hour equals ten continuing education hours. If developing and teaching an academic course in psychology is acceptable continuing education activity, then listing it as such is needed to inform licensees of that fact, because the activity may not be commonly recognized as a continuing education activity. Considering developing and teaching an academic course in psychology as an acceptable continuing education activity is reasonable because of the considerable amount of research, adaptation of psychological data, and other preparation needed to develop and teach a course that is meaningful and sound in theory and application. It can reasonably be argued that such development and teaching of a three-credit psychology course (for 30 continuing education hours) provides as much professional growth and potential benefit to consumers of psychological services as attendance at 30 hours of sponsored programs specifically designed as continuing education activity, because of the high degree of preparation required for presenting the material and responding to student questions. It is also reasonable to limit the continuing education credit to the first time the course is developed and taught, because repeat presentations do not require as great an expenditure of time and effort or involve as much research, assembling of data, or original thought. It is recognized that one three-credit course would yield enough continuing education hours to meet the requirements of one renewal period.

A means of documenting that the licensee taught the course for the first time is needed so that the licensee can verify the claim of developing and teaching the course for the first time. It is reasonable to require the dean of the institution or the department head to provide the documentation because these individuals are responsible for the programs taught at the institution. It is reasonable to require that the course be taught at an institution accredited by a

regional accrediting association because that is the standard in the rules for acceptance of a degree upon which licensure is based.

Item B concerns the satisfactory completion of a graduate level psychology course in an institution accredited by a regional accrediting association, for which 20 continuing education hours are awarded for each academic credit, unit, or hour. It is necessary to include completion of a graduate psychology course in this subpart so that there is no ambiguity or confusion about the acceptance of graduate psychology courses as legitimate continuing education activity. Considering graduate psychology courses as acceptable continuing education activity is reasonable because the amount of personal growth and professional development, as well as the potential benefit to consumers, to be anticipated from completion of such courses is as great as or greater than can be obtained hour for hour, from activities specifically designed for continuing education activities. It is reasonable to require that the course be taken at an institution accredited by a regional accrediting association because that is the standard in the rules for acceptance of a degree upon which licensure is based. It is reasonable to not require submission of the course for approval because courses as described item B are part of graduate psychology programs that are acceptable for licensure. It is reasonable to require that documentation be in the form of an academic transcript showing graduate credits earned because that is also the documentation required in meeting the education requirements for licensure, and is the official institutional acknowledgement of the completion of the course. It is reasonable to not distinguish between quarter, trimester, and semester credits because there is considerable variation in term length within each category, rendering meaningless any logical differentiation among them regarding time involved. It is recognized that the number of classroom hours per credit/unit/hour varies from 12 to 16 or so. Setting one credit/unit/hour as equal to 20 continuing education hours is reasonable because the hours spent out of the classroom in study and preparation are recognized as an integral part of the learning experience. It is recognized that one two-credit course would provide enough continuing education hours to meet requirements for one renewal period.

Item C concerns the development of a licensee's first presentation for workshops, seminars, symposia, colloquia, invited speaker sessions, meetings of professional or scientific organizations, or post-doctoral institutes. Listing this category as acceptable continuing education activity is necessary so that there is no ambiguity or confusion about the acceptance of this activity as continuing education. It is reasonable to include development of presentations (in the field of psychology) as acceptable continuing education activity because it involves at least as much mental effort, professional growth, and potential benefit to consumers, hour for hour, as attendance at the same type of functions. It is reasonable to accept as documentation a printed program or agenda of the activity because the program or agenda would include the names of presenters, their topics, and time spent in presentation. It is reasonable to equate one hour of program development with one continuing education hour, with a limit of three hours of development for one hour of presentation, because, as stated above, development involves a high degree of mental effort, professional growth, and potential benefit to consumers. It is reasonable, however, to limit the number of hours of development per hour of presentation to three that can be credited, because a presenter at professional meetings without exception is a person with

expertise in the field of the topic being presented, who should not need unlimited time to prepare. It is also reasonable to grant continuing education hours only for development of the first presentation on the subject because, as stated under item A, preparation for repeat performances does not require as great an expenditure of time and effort as needed for the first presentation.

Item D lists authoring, editing, or reviewing a psychological publication as acceptable continuing education activity for the year of publication or first distribution. Listing these activities is needed because they are not obvious continuing education activities. It is reasonable to include these activities because, like developing and teaching an academic course, they involve a considerable amount of research, analyzing data, and so forth, which tends to foster professional growth and have a potential beneficial effect on consumers through educating the reader. It is reasonable to limit the continuing education hours to the year of publication or first distribution because the preparation period does not continue beyond publication/distribution, and because years prior to publication, if any, would be difficult to document. It is reasonable to accept as documentation a publication cover sheet, masthead, table of contents, or marketing materials (whichever applies to a specific activity) because these documents indicate authorship, editor status, etc.

The reasonableness of the maximum numbers of hours earned is as follow:

(1) 40 hours for authoring a professional or scientific book, because the time it takes to write a technical book, of any reasonable length far exceeds 40 hours; however, because the hours can be claimed only once, and 40 hours are the maximum required for a renewal period, granting 40 hours means authorship of a book would meet requirements for one renewal period.

(2) 20 hours for authoring a journal article or a chapter of a professional or scientific book, because the time, effort, professional growth factors, and potential consumer benefit, are far less than for authoring an entire book. It is recognized that authoring two chapters in one book, one chapter in each of two books, or two journal articles can yield sufficient continuing education hours to meet the requirements for one renewal period. It is believed that research for each chapter or article in itself could easily exceed 20 hours.

(3) and (4) 30 hours for editing a professional or scientific book or journal, because editing for scientific and attribution accuracy and clarity of ideas, for example (as opposed to editing for typographical errors, incomplete sentences, and the like), involves a large number of hours, considerable professional growth, and significant potential consumer benefit, but not as much as for authorship of a whole book. It is reasonable to quantify the effort as three-quarters of that required to author, as experience of persons in the field shows that to be a fairly accurate representation.

(5) one hour per review of a journal article manuscript, because this activity involves a smaller investment of time, and effort, and generates less professional growth and potential consumer benefit, than any of the activities in subitems (1) to (4), yet does meet the purpose of continuing education.

(6) Up to 40 hours for such activities as preparing tests, videotaped materials, and computer programs, because such activities involve professional growth and have the potential to benefit consumers. Some of these activities are relatively new to the profession of psychology and as such may need individual evaluation to determine their relative place in the list of acceptable continuing education activities. Using the number of hours that can be earned in activities listed in (1) through (4) as guidelines, based upon the assumed investment of time and use professional expertise, it is reasonable to assign hours to the activities in category (6) based upon their relationship to the corresponding activities in categories (1) through (4). For example, the preparation of videotapes of instructional materials intended for use as a three-credit general psychology course where students may be in remote locations could be equivalent to authoring a scientific or professional book. Designing a computer program for scoring a psychological test may prove to be equivalent in time, effort, and benefits to authoring a chapter in a scientific book or a journal article. But because the category has been largely unexplored as a continuing education activity, it is anticipated that submission of such activities for continuing education hours would include sufficient description, documentation, and impact for the Board to assign a logical and fair number of hours earned.

Item E lists the type of activities which have become standard sponsored continuing education activities. It is necessary to list the items so that licensees and sponsors are informed about acceptable activities. The activities listed are reasonable because they provide the format for maintaining professional competence, promoting professional growth, and benefiting consumers of psychological services. It is reasonable to accept certificates of attendance or transcripts, whichever applies, because these documents are standard and provide official proof of attendance. It is reasonable to provide an alternative method of documentation for acceptable activities but which may not provide certificates of attendance or transcripts. Acceptance of a registration receipt with a printed program is a reasonable alternative because it indicates the licensee at least paid to attend the activity.

Item F lists completion of audio-visual or other home study courses as accepted continuing education activity, and provides that three hours of activity equals one continuing education hour. It is necessary to list this activity so that both sponsors of home study programs and licensees are informed. It is reasonable to include home study programs so that licensees who are unable to travel to attend programs in person can still meet their continuing education requirements. It is reasonable to allow one continuing education hour for three hours of home study rather than one for one because home study permits the licensee to absorb information at his or her own pace, unlike presentations at seminars, workshops and similar programs, in which participants must keep pace with the presenters.

Item G lists service on Board oral examination panels, with one day of service equal to eight continuing education hours, and a limitation of one service day credited per renewal period. It is necessary to include service on Board oral examination panels so that licensees are informed that such service is deemed a professional growth experience that has the potential to benefit consumers. It is reasonable to consider such service as acceptable continuing education activity because the oral examination is designed as a skills assessment tool for applicants

about to become licensed, involving vignettes of interactions with clients in a variety of practice situations. The licensee examiner is provided with a training manual and a period of instruction to guide his or her evaluation of the skills level of applicants with a variety of backgrounds and fields of practice, many of which are likely to be outside the licensee's own area of concentration. The experience is, therefore, likely to stimulate the licensee to look at the practice of psychology from viewpoints different from the licensee's own, and as a result, broaden his or her perception of the psychologist's role in relation to the client.

Subpart 2. Sponsor request for approval. This new subpart sets forth the mechanism for requesting and granting approval of a sponsor's continuing education activity, including a notification period and permission to use approval of the activity in advertising the activity. The subpart is needed to provide structure to the approval process and to inform sponsors what is required of them. It is reasonable to permit sponsors to request approval of continuing education activities at any time (including after the activity has occurred) because the timing of requests is immaterial to the approval process. Of course, a request for approval far in advance of the activity means assurance to attendees that the activity will result in a known number of continuing education hours of accepted activity. Of course, a request for approval after the activity has occurred means attendees will be uncertain that they can use the activity to meet continuing education requirements. These considerations, however, are of significance to the sponsor and the attendee, not the Board. It is reasonable to specify that sponsors will be notified within 45 days after receipt of a request whether the activity is approved or denied, so that there is sufficient time for processing the request without unduly delaying the response. It is reasonable to require the request to include the information listed in subpart 4 because without it the Board has insufficient data on which to base approval. It is reasonable to permit approved activities to be advertised as approved so that sponsors can attract more attendees and licensees can know before deciding to attend that they will receive credit for attending. It is reasonable to forbid advertising unapproved activities as approved, and for a licensee to do so to be ground for disciplinary action, because making false statements is a violation of the Rules of Conduct.

Subpart 3. Licensee request for approval. This new subpart allows licensees to request in writing at any time approval of sponsored activities presented by other entities, requires the Board to notify the licensee within 45 days after receipt whether the activity is approved or disapproved, and requires the request to include information required in subpart 4. The subpart is needed to make it clear that licensees as well as sponsors may request approval of sponsored activities. The subpart is reasonable because it permits the request at any time, allows a response period long enough to process the request and short enough to accommodate the needs of the licensee, and gives the Board the necessary information on which to base approval or disapproval.

Subpart 4. Information required for approval. This new subpart lists the information which must be included in a request for approval of a sponsored activity. The list is needed to inform sponsors and licensees concerning the information the board needs to approve an activity. The list of information is reasonable because it corresponds directly to the fact of mandatory continuing education and with the purpose of continuing education stated in part 7200.3810.

The subpart also requires that materials advertising the activity to include the information exactly as stated in the request for approval. The provision is needed to ensure that potential attendees will have correct information on which to base an informed decision regarding whether to attend. The provision is reasonable because it imposes no additional requirements regarding how the activity is advertised.

Subpart 5. Approval of individually designed continuing education activities. This new subpart provides that a licensee may obtain a maximum of 15 continuing education hours per renewal period by means of individually designed (not sponsored) activities. It also provides for notification of approval or disapproval within 45 days after receipt of the request, which may be made at any time. It also specifies the information that must be included with the request. The subpart is needed to permit licensees who are unable to obtain all their continuing education hours in sponsored activities, or who desire to pursue an area of study for which sponsored activities are not available, to partially fulfill continuing education requirements. It is necessary to limit the number of continuing education hours that can be obtained through individual study because a substantial part of the benefits obtained by participation in sponsored activities is the interaction possible with other professionals, which in turn enhances professional growth. That benefit is absent in individual activities. It is necessary to specify the information which must be included in the request in order to provide a foundation for the Board's approval or disapproval. A notification period is necessary to permit time for the Board to review the request. A statement concerning how continuing education hours are determined is needed to inform licensees of the time commitment needed for the proposed activity.

The subpart is reasonable because it provides latitude for pursuing studies outside of structured programs that may enhance professional growth and competence. Limiting the permitted number of continuing education hours for individual activities to 15 is reasonable because 15 continuing education hours are sufficient to allow in-depth study or pursuit of a psychological concept or area, particularly in view of the fact that up to 45 hours of individual activity can be devoted to obtaining 15 continuing education hours. Limiting the notification period to 45 days is reasonable because it is sufficiently long for adequate review and not so long that the requesting licensee is unduly burdened. The information which the request must include is reasonable because it relates directly to the purpose of continuing education: the enhancement of professional growth and skills and the potential for benefit to consumers of psychological services.

It is reasonable to require three hours of reading or study for each continuing education hour requested because that amount is exactly comparable to the number of hours devoted to home study under sponsored activities (subpart 1, item F).

Subpart 6. Criteria for approval. This new subpart provides the criteria upon which Board approval of continuing education activities shall be based. The subpart is needed in order to provide a set of concrete, objective guidelines for judging continuing education activities and to avoid approval or disapproval of activities based upon whim or subjective factors. The criteria are reasonable because they correspond directly to either the information required in the

preceding continuing education rules or the purpose for which continuing education is required: enhancement of psychological skills, professional growth, and benefit to consumers.

7200.3840 CONTINUING EDUCATION HOURS FOR FIRST RENEWAL AFTER BEGINNING DATE.

This proposed part provides that the effective date is the first day of the month following publication in the State Register of notice of adoption of continuing education rules and provides for proration of continuing education hours for the first renewal following that effective date. An effective date is needed so that both licensees and the Board will be informed about when mandatory continuing education begins. The proration is needed because licensure occurs in every month of the year and renewals are due in the month of licensure. In order to avoid requiring licensees to complete 40 hours of continuing education in time periods of less than 24 months during the first two years of the rules being in effect, a proration schedule is needed. Setting the effective date as the first day of the month following publication of final adoption is reasonable because it is the earliest logical beginning date and because renewal deadlines are the last day of the month in which licensure occurred. The proration is reasonable because no licensee is required in the first renewal period to complete more continuing education hours than the number which corresponds to the fraction of a 24 month renewal period represented by the period starting with the effective date and ending on the licensee's renewal deadline.

The following table indicates the number of continuing education hours that would be required based on strict ratio and the number of continuing education hours required based on the schedule, assuming an effective date of June 1, 1993.

Renewal Date	No. Months After Assumed Effective Date	Ratio	Continuing Education Hours Based on Ratio (ratio X 40)	Schedule Continuing Education Hours
11/03/93	5	5/24	8	0
01/31/94	8	8/24	13	10
04/30/94	11	11/24	18	10
09/30/94	16	16/24	27	20
03/30/95	22	22/24	37	30