

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PSYCHOLOGY [49 PA. CODE CH. 41] Computerized Examinations

The State Board of Psychology (Board) amends Chapter 41 (relating to State Board of Psychology) to account for examination changes necessitated by the computerization of the National portion of the licensure examination.

Statutory Authority

The final-form rulemaking is authorized under section 3.2(1) of the Professional Psychologists Practice Act (act) (63 P. S. § 1203.2(1)).

Response to Public Comments and Regulatory Review

Notice of the proposed rulemaking was published at 31 Pa.B. 6546 (December 1, 2001). Publication was followed by a 30-day public comment period during which the Board did not receive any public comments. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

Amendments to Final-Form Rulemaking

In this final-form rulemaking, the Board has made changes to § 41.42 (relating to reexamination) in accordance with the HPLC and IRRC comments.

Current § 41.42(a) precludes applicants from retaking the examination after a first-time failure for at least 6 months after the failure. Subsection (b) delineates the reexamination requirements for applicants who fail more than two times. In proposed form, the Board consolidated the reexamination requirement into subsection (a). IRRC expressed concern that the amendment does not reflect the statutory limitation in section 6(c) of the act (63 P. S. 1206(c)), that an applicant wait at least 6 months before retaking the examination after a first-time failure. The Board concurs with IRRC that applicants must wait at least 6 months between the first and second examination. The Board has reinserted the 6-month requirement in subsection (a) in final-form rulemaking. Current subsection (b) has also been reinserted to address subsequent examination failures. Since the 60-day timeframe in proposed subsection (d) only applied to subsequent examination failures, the language in subsection (d) has been consolidated to new subsection (b).

Both IRRC and the HPLC suggested that subsections (a) and (b) be modified to clarify the varying fees for reexamination. In accordance with this recommendation, the Board amended both subsections to track the fee language in § 41.12 (relating to fees). Subsection (a) references "reapplication fee—first time examination failure" and subsection (b) references "reapplication fee—subsequent examination failure."

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no fiscal impact and will not create additional paperwork for licensees, the private sector, the general public or political subdivisions.

Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population; accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 14, 2001, the Board submitted copies of the notice of proposed rulemaking, published at 31 Pa.B. 6546, to IRRC, the SCP/PLC and the HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board also provided IRRC, the SCP/PLC and the HPLC with copies of comments received as well as other documents. In preparing this final-form rulemaking, the Board has considered the comments received from IRRC, the SCP/PLC, the HPLC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 22, 2002, this final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 24, 2002, and approved this final-form rulemaking.

Contact Person

Further information may be obtained by contacting Christina Stuckey, Administrative Assistant, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, www.state.pa.us/bpoa.psybd/mainpage.htm.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 6546.

(4) The amendments are necessary and appropriate for administering and enforcing the authorizing acts identified in this Preamble.

Order

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 41, are amended by amending §§ 41.41, 41.42 and 41.52 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

ALEX M. SIEGEL, Ph.D., J.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)

Fiscal Note: Fiscal Note 16A-6310 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 41. STATE BOARD OF PSYCHOLOGY EXAMINATIONS

§ 41.41. Examinations.

The examination is composed of a National and State portion. Applicants shall obtain a passing score to qualify for licensure. Information about the content of the examination is available from the Board office.

§ 41.42. Reexamination.

(a) After first-time failure, candidates may take a second examination upon filing an updated application and paying the reapplication fee—first time examination failure specified in § 41.12 (relating to fees), but only after the expiration of 6 months and within 2 years following the first examination date.

(b) After subsequent unsuccessful examinations, applicants may reapply to take any portion of the examination after 60 days following the failure, but shall satisfy the administrative, education and experience requirements prevailing at the time of the reapplication, file a verification of experience form and pay the reapplication fee—subsequent examination failure specified in § 41.12.

(c) The applicant will be judged pass or fail on the basis of the standards prevailing at the time of reexamination.

(d) No applicant will be permitted to sit for more than four examinations in any 1-year period.

MISCELLANEOUS

§ 41.52. Persons licensed in other states.

(a) A person who holds a current license or certificate to practice psychology issued by a statutory board of psychologist examiners of a state with requirements for licensure which are deemed by the Board to be equivalent to those of the Commonwealth may be exempt from

examination. Application for licensure under these circumstances shall be made on forms supplied by the Board and shall be accompanied by the initial application fees specified in § 41.12 (relating to fees).

(b) An applicant who has passed the National portion of the examination with a score equivalent to or higher than the passing score then prevailing in this Commonwealth will not be required to repeat this portion of the examination.

(c) In accordance with section 3(7) of the act (63 P. S. § 1203(7)), a psychologist licensed for independent practice by a statutory board of psychologist examiners of another state or a province of Canada, whose license is current and in good standing, may practice psychology on temporary assignment in this Commonwealth for up to 6 months, after written notification to the Board and receipt from the Board, in writing, of temporary permission to practice. The Board will grant no more than one extension of the 6-month period, the extension not to exceed an additional 6 months. Requests for extensions shall be made to the Board in writing. A psychologist on temporary assignment in this Commonwealth for an aggregate of no more than 14 days is exempted from the notification requirement.

[Pa.B. Doc. No. 02-2170. Filed for public inspection December 6, 2002, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47—49]

[Correction]

Fees

An error occurred in the Fiscal Note number for the final rulemaking which appeared at 32 Pa.B. 5885, 5887 (November 30, 2002).

The correct version of the Fiscal Note is as follows:

Fiscal Note: Fiscal Note 16A-695 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 02-2141. Filed for public inspection November 27, 2002, 9:00 a.m.]