

55 N.J.R. 200 (b)

VOLUME 55, ISSUE 3, FEBRUARY 6, 2023

RULE ADOPTIONS

Reporter

55 N.J.R. 200 (b)

NJ - New Jersey Register > 2023 > FEBRUARY > FEBRUARY 6, 2023 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:42-3.1, 3.2, 3.6, 5.1, 5.3, 5.4, and 10.21

Text

Jurisprudence Online Examination

Proposed: January 3, 2022, at 54 N.J.R. 35(a).

Adopted: May 5, 2022, by the State Board of Psychological Examiners, Sean R. Evers, Ph.D., Chair.

Filed: January 3, 2023, as R.2023 d.015, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:14B-13.

Effective Date: February 6, 2023.

Expiration Date: May 18, 2023.

Summary of Public Comments and Agency Responses:

The official comment period ended March 4, 2022. The State Board of Psychological Examiners (Board) received comments from the following individuals:

1. Richard S. Kessler, Ph.D., NCC, DVS
2. Jane Simon
3. Rick Zakreski
4. Michael C. Selbst, Ph.D., BCA-D, Executive Director Behavior Therapy Associates
5. Josephine Hines
6. Nancie Senet, Ph.D.
7. Rhonda Allen, Ph.D.
8. Dorothy Saynisch, Ph.D.
9. Shoshana Klein, Ph.D.
10. Daniel Kennedy, Psy.D.
11. Ange Puig, Ph.D.
12. Jeffrey H. Axelbank, Psy.D.
13. Joseph J. Zielinski, Ph.D.
14. Nancy Miller, Psy.D.
15. Dolores A. Reilly, Psy.D.
16. Michelle Berniker, Psy.D.
17. Lienna Wilson, Psy.D.
18. Leslie Becker- Phelps, Ph.D.
19. Harry Pitsikalis
21. Rachel Feldman Ph.D.
22. Justin Garber, Psy.D.
23. Irene S. Ficher
24. Christin L. Goodwin, Ph.D.
- [page=201] 25. Sharon Kamm
26. Daisy Velez, Psy.D.
27. Kelly L. Gilrain, Ph.D.

28. Anastasia Bullock, Psy.D.
29. Jaycie Herman, Psy.D.
30. Tony Comerford, Ph.D.
31. Lucy Sant'Anna Takagi, Psy.D., L.L.C.
32. Lorraine Gahles-Kildow, Ph.D., L.L.C.
33. Madelyn Simring Milchman, Ph.D.
34. Daphna Roth, Ph.D.
35. Lauren Gerardi, Ph.D.
36. Pamela Foley, Ph.D., ABPP
37. Elizabeth Frenkel, Ph.D.
38. Marc D. Geller, Psy.D.
39. Tamara Latawiec, Psy.D.
40. David Berkovitz, Ph.D.
41. Gianine D Rosenblum, Ph.D.
42. Hava E. Mendelberg
43. Joellyn L. Ross, Ph.D.
44. Victor J. Nitti, Ph.D.
45. Vincent D. Leoni, Ph.D.
46. Jane H. Glassman, Ph.D.
47. Justin Karmann, Executive Director, New Jersey Psychological Association

1. COMMENT: Many of the commenters support the Board's decision to allow applicants to complete the jurisprudence examination requirement through an online examination. One of the commenters supports the Board's decision to change the term "passed" to "completed."

RESPONSE: The Board thanks the commenters for their support.

2. COMMENT: Some commenters oppose the proposed amendments at N.J.A.C. 13:42-10.21 that require licensees to complete one continuing education credit by completing the jurisprudence online examination. The commenters contend that licensees are aware of licensing requirements pursuant to existing standards and of their ethical obligations pursuant to the American Psychological Association (APA) and New Jersey Psychological

Association (NJPA) code of ethics, and, therefore, do not need to complete a jurisprudence examination. In addition, some commenters contend that the laws governing the practice of psychology do not change often enough to justify a jurisprudence examination every two years. Some commenters are concerned with the costs associated with the examination, including the costs of study materials for the examination. Others expressed concern over the fees to take the examination. Some commenters are also concerned with the amount of time it would take to prepare for the examination and contend that this time is worth more than one credit of continuing education.

Some of the commenters are concerned that requiring one credit of continuing education in jurisprudence will take away from other areas of continuing education that may be more relevant to a psychologist's area of practice. The commenters point out that licensees are already required to take three credits in domestic violence and one in opioids.

Several of the commenters inquired as to who will be responsible for creating the jurisprudence online examination and what the consequences will be for not passing the examination. A few commenters are concerned that the jurisprudence online examination requirement for continuing education will have a disparate impact on those with less technological experience and on marginalized communities. Others are concerned that the requirement will delay renewal or licensure or will discourage psychologists from obtaining a license in New Jersey. One of these commenters contended that no other state requires psychologists to complete an examination on jurisprudence as part of continuing education.

RESPONSE: The Board believes that licensees will benefit from a periodic review of the statutes and rules relevant to the practice of psychology, both to remind licensees of their legal obligations and to keep them abreast of any changes. The Board believes that the commenters' concerns about the burdens associated with the examination stem from a misunderstanding as to the nature of the jurisprudence online examination. There will be no cost to take the jurisprudence online examination and no need to obtain study materials. If licensees seek to review statutes and rules that are the subject of the examination, they can find those statutes and rules posted on the Board's website. The Board does not believe that licensees will need to allocate any time to prepare for the examination and completing the examination should not take more than one hour. Accordingly, assigning no more than one credit of continuing education for completing the examination is appropriate. With respect to the commenters who noted that licensees are already required to complete three continuing education credits on domestic violence and one credit on opioids, the Board points out that these

requirements are mandated by statute, and the Board cannot change them. Finally, with respect to the commenter who inquired as to who will be responsible for creating the examination and what the consequences will be for failing the examination, the Board will be responsible for creating the examination, and the examination will be hosted on the Board's website. The Board does not believe that any licensee will be unable to access this website. The Board also points out that the structure of the jurisprudence online examination is such that it is not a pass/fail examination and licensees cannot fail the examination.

To address the apparent misunderstanding as to the nature of the jurisprudence online examination, the Board has changed N.J.A.C. 13:42-10.21 upon adoption, so that licensees (but not applicants) will be required to complete a "jurisprudence online review," rather than a "jurisprudence online examination." This "review" will not be substantively different than the proposed "examination," but the Board believes that the term "review" will more accurately capture the nature of the requirement than will the term "examination" as licensees have already completed an "examination," and so the term "review" is more appropriate.

There will be no cost for the jurisprudence online review and licensees will not need to allocate any time to prepare for the review prior to completing it. Applicants for licensure, however, will continue to be required to complete a "jurisprudence online examination," as the term "review" would be inappropriate for individuals who are likely to be encountering this material for the first time.

3. COMMENT: A commenter points out that the jurisprudence online examination will be structured so that an individual taking it will not pass or fail but will be informed, after answering a question, what the correct answer is and be provided with an explanation as to why the answer is correct. The commenter recommends that the jurisprudence online examination be renamed to accurately reflect its nature and suggests "online jurisprudence orientation," "online jurisprudence course," or "online jurisprudence training."

RESPONSE: As discussed above, the Board will require licensees to complete the "jurisprudence online review" as part of their continuing education requirements. The Board believes that the term "review" is more appropriate than "examination," given the nature of this requirement.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

Full text of the adoption follows (addition to the proposal indicated in boldface with asterisks ***thus***; deletion from the proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 3. ONE-YEAR UNSUPERVISED AND THREE-YEAR SUPERVISED TEMPORARY PERMITS FOR TRAINING PENDING JURISPRUDENCE ONLINE EXAMINATIONS

13:42-3.1 One-year unsupervised permit

(a) The Board shall issue a numbered temporary permit for the unsupervised practice of psychology for a period not to exceed one year to a psychologist who:

1.-3. (No change.)

4. Meets all requirements of New Jersey law other than completing the jurisprudence online examination in this State;

5.-8. (No change.)

(b) The holder of an unsupervised temporary permit pursuant to (a) above shall, within 90 days of issuance of the permit, complete the jurisprudence online examination. Failure to meet this deadline may, upon notice to the permit holder, result in revocation of the permit.

[page=202] (c)-(d) (No change.)

13:42-3.2 Three-year supervised permit

(a) The Board shall issue a numbered temporary permit for the supervised practice of psychology for a period not to exceed three years to a qualified individual who meets all the requirements of New Jersey law, including the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq., other than the requisite number of hours of post-doctoral supervised experience and/or passing the written examination and completing the jurisprudence online examination and has not engaged in any act or practice which would be the basis for denying a permit under the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq. An applicant for licensure who has not completed the requirement for post-doctoral supervised experience shall be required to obtain a three-year supervised permit and comply with all of the provisions of this subchapter, including those applicants who intend to obtain the supervised experience in a practice or facility that is otherwise exempt pursuant to N.J.S.A. 45:14B-6 or 45:14B-8 or N.J.A.C. 13:42-1.2, 1.3, 1.4, or 1.5.

(b) (No change.)

(c) The permit holder shall obtain the required supervised experience and successfully complete the written examination and

jurisprudence online examination prior to the expiration of the permit.

(d) (No change.)

13:42-3.6 Responsibilities of applicant for one-year unsupervised and three-year supervised temporary permits

(a) (No change.)

(b) The applicant shall request, in writing, the issuance of a one-year unsupervised or three-year supervised temporary permit to practice psychology until passing the written examination and completing the jurisprudence online examination and/or for the purpose of meeting the supervised experience requirement.

(c)-(1) (No change.)

SUBCHAPTER 5. EXAMINATION

13:42-5.1 Board-approved written examination; jurisprudence online examination

(a) (No change.)

(b) A candidate who passes the written Examination for Professional Practice in Psychology shall then take the Board's jurisprudence online examination within 90 days of notification of passing the Examination for Professional Practice in Psychology.

13:42-5.3 Licensure by reciprocity

(a)-(e) (No change.)

(f) An applicant shall complete the jurisprudence online examination.

(g) (No change.)

13:42-5.4 License without examination

(a) A psychologist who holds a diploma from the American Board of Professional Psychology awarded by examination, and who meets all other requirements of New Jersey law, shall be licensed following completion of the jurisprudence online examination.

(b) A psychologist shall be licensed following completion of the jurisprudence online examination without having to take the Examination for Professional Practice in Psychology sponsored by the Association of State and Provincial Psychology Boards (ASPPB), if he or she:

1.-2. (No change.)

SUBCHAPTER 10. GENERAL OBLIGATIONS OF A LICENSEE

13:42-10.21 Continuing education programs

(a) (No change.)

(b) A licensee may complete up to 19 of the required 40 continuing education credits from the following:

1.-5. (No change.)

(c) A licensee shall successfully complete one of the required 40 continuing education credits through completion of the Board's jurisprudence online *[examination]* ***review***.

(d) (No change in text.)

NEW JERSEY REGISTER

Copyright © 2023 by the New Jersey Office of Administrative Law