

RULE ADOPTION
VOLUME 43, ISSUE 18
ISSUE DATE: SEPTEMBER 19, 2011
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Adopted Amendment: N.J.A.C. 13:42-2.1
Application; Qualifications to Sit for Examination

Proposed: September 20, 2010 at 42 N.J.R. 2228(a) (see also 43 N.J.R. 381(a)).

Adopted: April 4, 2011 by the State Board of Psychological Examiners, Nancy E. Friedman, Ph.D., Chair.

Filed: August 17, 2011 as R.2011 d.241, **with substantial changes** 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: September 19, 2011.

Expiration Date: July 2, 2016.

Summary of Public Comments and Agency Responses:

The official comment period ended November 19, 2010. The Board received nine comments from the following 10 individuals:

1. Alexandra Wiltshire, Chair, New Jersey Psychological Association of Graduate Students
2. Melanie M. Storms, Psy.D., Associate Dean, Walden University, School of Psychology, College of Social and Behavioral Science
3. Robert McGrath, Fairleigh Dickinson University
4. Vonetta Shannon-Kalieta, Graduate Student
5. Dawn Berger, New Jersey Psychological Association of Graduate Students
6. Katherine Craigen, Fairleigh Dickinson University
7. Sabrina Poole, MS, The Treatment Research Institute
8. William MacLaney, New Jersey Psychological Association of Graduate Students
9. Sabrina Rude, Capella University
10. Rachel Shapiro, Seton Hall University

1. COMMENT: A commenter asks if the Board will hold a hearing on the amendments to N.J.A.C. 13:42-2.1.

RESPONSE: N.J.S.A. 52:14B-4 requires an agency to hold a public hearing if, within 30 days of the publication of the proposed rule in the [page=2531] New Jersey Register, sufficient public interest is shown in having a public hearing. N.J.A.C. 13:1E-4.3 states that sufficient public interest is indicated by the submission of at least 50 written requests for a public hearing. As only one commenter requested a hearing, and that request was not submitted within 30 days of publication of the notice of proposal, the standard for sufficient public interest set forth in N.J.A.C. 13:1E-4.3 has not been met and the Board need not hold a public hearing. The Board points out that, pursuant to a notice published in the February 22, 2011 New Jersey Register at 43 N.J.R. 381(a), it extended the period for public comment to permit members of the public to present their position on the proposed amendments at its March 7, 2011 meeting.

2. COMMENT: A commenter asks for the Board's position on how the Americans with Disabilities Act, the Rehabilitation Act, the Workforce Investment Act, the Vietnam Era Veteran's Readjustment Assistance Act and the Civil Service Reform Act impact the amendments to N.J.A.C. 13:42-2.1.

RESPONSE: The Board stated in the Federal Standards Statement in the notice of proposal of amendments to N.J.A.C. 13:42-2.1 that there are no Federal laws or standards applicable to the amendments. That assessment includes all of the Federal acts referred to by the commenter.

3. COMMENT: N.J.A.C. 13:42-2.1 requires that a program be accredited by a regional accrediting body recognized by

the United States Department of Education, Office of Postsecondary Education. A commenter asked for the names of these accrediting bodies.

RESPONSE: The Board does not maintain a list of the accrediting bodies recognized by the United States Department of Education, Office of Postsecondary Education. The Department of Education maintains this list and it is available on the Department of Education's website: <http://ope.ed.gov/accreditation/Search.aspx>.

4. COMMENT: A commenter is concerned by the fact that N.J.A.C. 13:42-2.1(f) refers to approval of doctoral programs by the American Psychological Association. The commenter contends that the American Psychological Association does not approve doctoral programs. It approves continuing education sponsors and accredits doctoral programs. The commenter is concerned that the rule would permit an entity that has been approved as a continuing education sponsor to claim that its graduates are eligible for licensure in New Jersey.

RESPONSE: The Board agrees that N.J.A.C. 13:42-2.1(f) should not refer to approval of doctoral degree programs and has changed N.J.A.C. 13:42-2.1(f) upon adoption to refer to accreditation of doctoral degree programs by the American Psychological Association. The Board has also changed this rule upon adoption to reflect that programs are not approved by the Association of State and Provincial Psychology Boards/National Register Joint Designation. This entity lists the programs that it recognizes.

5. COMMENT: One commenter believes that the amendments to N.J.A.C. 13:42-2.1 will limit access to higher education and the provision of psychological services to the public. RESPONSE: According to the Board's understanding of current national standards, articulated by the American Psychological Association and other national entities, personal interaction over time between students and faculty, and among students, is a necessary component of a quality education and training as a psychologist. As personal interaction between a psychologist and a patient is a major component of psychological practice, it is necessary that at least half of a student's education entail such personal interaction in order to adequately prepare the student to practice safely and effectively. The amendments to N.J.A.C. 13:42-2.1 will help to ensure that psychologists licensed in New Jersey have an education that includes this personal interaction. With the large number of psychological programs in New Jersey, the Board does not believe that access to quality higher education in New Jersey is limited. Requiring programs to include the personal interaction necessary for a quality psychological education will benefit those who receive services from licensed psychologists in New Jersey.

6. COMMENT: A commenter contends that the amendments to N.J.A.C. 13:42-2.1(f) will make it harder for non-traditional students to obtain licensure.

RESPONSE: As stated in response to Comment 5, the amendments to N.J.A.C. 13:42-2.1 help to ensure that licensed psychologists are adequately prepared to provide psychological services to the public. Protecting the public is the primary concern of the Board. The Board believes that only those who are adequately prepared, including non-traditional students, should be able to obtain a license.

7. COMMENT: Several commenters question whether the Board has any data to support the amendments to N.J.A.C. 13:42-2.1(f) and the Board's position that psychologists who attend on-line university are less prepared than those who attended traditional schools.

RESPONSE: As stated in response to the prior comments, the Board understands that current national standards, articulated by the American Psychological Association, in the Guidelines and Principles for Accreditation of Programs in Professional Psychology, and by other national entities, require personal interaction over time between students and faculty, and among students, as a necessary component of a quality education and training as a psychologist.

8. COMMENT: A commenter contends that many entities allow education to occur through non-personal methods. The commenter points out that the American Psychological Association (APA) supports continuing education without in-person interaction.

RESPONSE: The Board is not prohibiting education to occur through non-personal methods. Amendments to N.J.A.C. 13:42-2.1 require that one year of a full-time psychological education, or two years of a part-time psychological education, be completed on campus. The remainder of that education may be provided through non-personal methods. The Board points out that there is a difference between an initial education in psychology and continuing education. Initial education establishes a psychologist's ability to practice safely and effectively. Continuing education augments this initial education. As stated in response to prior comments, the Board believes that a portion of an initial psychological education must consist of personal interaction in order to adequately prepare an individual to practice psychology.

9. COMMENT: Many commenters are concerned that the amendments to N.J.A.C. 13:42-2.1(f) will adversely affect students who are currently enrolled in doctoral degree programs that do not meet the requirements of the amended rule. Several of these commenters suggest that the Board "grandfather" such students and allow them to obtain licensure

without meeting the new standards.

RESPONSE: The Board is concerned with the preparation of students who will provide psychological services to the public. At the same time, it does not want to unduly burden students who began their education with the understanding that a psychological program would qualify them for licensure. In order to prevent an undue burden for such students, the Board has changed N.J.A.C. 13:42-2.1(f) upon adoption so that such students will be able to continue their studies in programs that complied with regulatory requirements at the time the students entered the program.

10. **COMMENT:** One commenter believes that the Board is mistaken in its belief that on-line programs are easier than traditional programs. The commenter contends that on-line programs are much more difficult than traditional programs.

RESPONSE: The Board does not believe that on-line programs are easier than traditional programs. The Board's concern is with the personal interaction that occurs during a psychology education.

11. **COMMENT:** A commenter points out that a United States Department of Education study of distance education found that on-line or hybrid learning provides for more interaction between students and faculty than at traditional schools. The commenter asks the Board to review this study.

RESPONSE: The Board has not been provided a copy of this study and cannot comment on its findings. The Board's concern is not with the amount of interaction that occurs during a psychology education but with the nature of that interaction. As stated in response to prior comments, national standards currently hold that personal interaction over time between students and faculty, and among students, is necessary to adequately prepare an individual to practice psychology.

12. **COMMENT:** Several commenters contend that distance education includes significant interaction with faculty and points out that interaction between faculty and students can be monitored when it is delivered on-line. One commenter contends that this interaction is valid even though it is not face-to-face.

RESPONSE: The Board's concern is not with the amount of interaction, or whether it is monitored. The Board's concern is with the [page=2532] nature of that interaction. Face-to-face interaction is an enormous component of the practice of psychology. It should also be a major component of a psychology education.

13. **COMMENT:** One commenter points out that the Higher Education Opportunity Act defines distance education as education offered through technology that supports regular and substantive interaction between the student and faculty. The commenter also points out that the Federal government requires distance education programs to demonstrate interaction between students and faculty in order to be Title IV eligible. The commenter contends that this means that the Board's position that on-line education is insufficient is contradicted by Federal guidance on distance education.

RESPONSE: The Board questions if the Higher Education Opportunity Act or eligibility for Title IV takes into account the specific nature of the practice of psychology. As the practice of psychology is based upon personal, face-to-face interaction, such interaction must be a component of an education in psychology.

14. **COMMENT:** Two commenters are concerned with the term "continuous" in N.J.A.C. 13:42-2.1(f). One of the commenters points out that in traditional schools there are breaks during the winter and summer and asks if this means that such programs are not continuous.

RESPONSE: The Board agrees that the term "continuous" in N.J.A.C. 13:42-2.1(f) is not clear. The Board has changed the rule upon adoption to delete this term. As long as one year of a full-time psychology education or two years of a part-time psychology education consists of physical attendance of classes on campus, that education will meet the requirements of N.J.A.C. 13:42-2.1(f).

15. **COMMENT:** Two commenters question what the term "continuous" means in N.J.A.C. 13:42-2.1(f). The commenters are also concerned with the requirement that part-time students attend classes on campus for at least two years. The commenters suggest that the Board amend N.J.A.C. 13:42-2.1(f) to require students to attend at least one year of full-time residence or the equivalent thereof. According to one of the commenters, this corresponds to the American Psychological Association's Committee on Accreditation's guidelines and would ensure face-to-face interaction with faculty without being unduly burdensome to students. One of the commenters suggests that the rule be amended to permit schools to apply to the Board for recognition that their residency requirements are equivalent. This would ensure that students know whether a program satisfies Board requirements before applying for licensure.

RESPONSE: As stated in response to Comment 14, the Board is changing N.J.A.C. 13:42-2.1(f) upon adoption to delete the term "continuous." The Board believes that the standards for physical attendance on campus imposed by N.J.A.C. 13:42-2.1(f) are necessary to ensure that face-to-face interaction is a component of every applicant's psychological education and it will not change the rule as the commenters suggest. The Board believes that requiring a part-time student to attend classes on campus for at least two years is comparable to a full-time student attending classes on campus for at least one year and does not believe that this requirement should be changed.

16. **COMMENT:** A commenter points out that students in on-line and traditional programs have to go through a

practicum and internship process, which is supervised by licensed psychologists.

RESPONSE: The commenter is correct that applicants for licensure have to complete clinical practice in order to obtain a license. This does not change the fact that personal, face-to-face interaction is a necessary component of a psychology education in order to adequately prepare a student to provide psychological services once he or she obtains licensure.

17. COMMENT: A commenter asks how unaccredited programs could obtain accreditation if they are unable to attract students to the programs.

RESPONSE: The Board does not believe that its rules prevent programs from attracting students or prevents programs from obtaining accreditation.

Federal Standards Statement

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

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

SUBCHAPTER 2. INITIAL QUALIFICATIONS

13:42-2.1 Application; qualifications to sit for examination

(a)-(b) (No change.)

(c) The institution at which the applicant earned his or her doctorate shall have been fully accredited during the entirety of the applicant's attendance by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education. Alternatively, an educational institutional program shall have been granted continuous provisional accreditation by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education during the entirety of the applicant's attendance, with full accreditation having been awarded within five years of the candidate's graduation.

(d) (No change.)

(e) The doctoral degree must be based upon at least 40 doctoral credit hours earned specifically within the field of psychology and within a doctoral program requiring personal attendance at the degree-granting institution that meets the requirements of (f) below. Thirty-six of the required 40 credit hours shall be distributed across the following areas of graduate study:

1.-6. (No change.)

(f) In order to qualify as a doctoral program for the purposes of (e) above, a doctoral program shall:

1. Be ***[approved]*** ***accredited*** by the American Psychological Association^{*}, ***or*** the Canadian Psychological Association^{*}, ***or** ***listed by*** the Association of State and Provincial Psychology Boards/National Register Joint Designation; or

2. Meet the following:

i. Have full-time faculty who are doctorally prepared in psychology;

ii. Require full-time students to physically attend classes on campus for at least one ***[continuous]*** academic year; and

iii. Require part-time students to physically attend classes on campus for at least two ***[continuous]*** academic years.

***(g) An applicant for licensure who was enrolled in a doctoral program prior to September 19, 2011 shall not be**

required to show that the doctoral program met the requirements of (f) above.*

Recodify proposed (g) and (h) as ***(h) and (i)*** (No change in text.)

(i)* *(j) The Board may, in its discretion, accept up to nine credits, taken at a regionally accredited school or university, to remediate a deficiency in the requirements of (e) and ***(g)* *(h)*** above.

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