Presentation by ND State Board of Psychologist Examiners
Regarding licensure requirements, barriers and processes
Acute Psychiatric Treatment Committee
Representative Jon O. Nelson, Chairman
January 20, 2022 - 1:15 pm

Chairman Nelson, members of the Acute Psychiatric Treatment Committee, I am Dr. Paul Kolstoe and with me is Dr. Renee Boomgaarden, representing the Board of Psychologist Examiners today. We are Psychologists, licensed under Chapter 43-32 of the ND Century Code. The Board wants us to thank you for the invitation to share information of our practice regulation experiences.

HISTORY

The ND State Board of Psychologist Examiners ["Board"] was created by the 1967 Legislative Assembly to license psychologists and industrial organizational psychologists. Our mission is to protect the health, safety, and welfare of the public through the regulation of the practice of psychology within the State of North Dakota by licensing practitioners, auditing continuing education activities, and enforcing legal and ethical requirements for the delivery of psychological services. At present we have 271 licensed psychologists and 2 license exempt psychologists. On the future side we currently have 9 psychology residents, which is a stage of active practice while finishing final licensure requirements.

In the most recent three years we have had:

2019 = 10 applicants, 15 licensees

2020 = 22 applicants, 15 licensees

2021 = 16 applicants, 17 licensees

During these three years there were no license applicants denied licensing. Currently we have 27 applications on record of whom 5

completed Oral Examinations successfully yesterday, 7 have let their applications expire uncompleted. Applications may cross over the year to be licensed a year or more into the future depending on how complete their preparation has been (e.g., part-time Residency takes longer).

In the 2015 legislative session, House Bill 1048 directed six behavioral health boards (representing Psychology, Social Work, Counseling, Addiction Counseling, Marriage and Family Therapy, and Medicine) to collaborate on strategies to seek consistency and efficiency in licensing qualified professionals across these regulatory boards. The collective and individual reports were presented to the legislative Interim Human Services Committee in 2016, and specific recommendations from that effort were embedded in the 2017 legislation passed in SB2141.

To be clear, the Psychology Board provided organizing leadership getting the six boards together, along with other regulatory Boards in North Dakota. We co-sponsored the first North Dakota Regulatory Board Conference in the summer of 2015 provided by the Federation of Associations of Regulatory Boards (FARB). We held the second such conference in 2017 provided by the same organization and were planning more when Covid occurred. At the conferences, 15 to 20 of the regulatory boards sent representatives to the conferences and shared a wealth of common issues and potential solutions.

REQUESTED INFORMATION FOR THE COMMITTEE

- **Mental and behavioral health services provided by licensees;**
  - [From NDCC 43-32] "Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or

undesired behavior and enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The term includes psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychotherapy, biofeedback, behavior analysis and therapy, clinical applications of hypnosis, and other therapeutic techniques based on psychological principles; diagnosis and treatment of mental and emotional disorder or disability, compulsive disorders, disorders of habit or conduct as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. The term includes providing psychological services to individuals, families, groups, organizations, institutions, and the public regardless of whether payment is received for services rendered. The term includes supervising others who are engaged in the practice of psychology

- **The frequency of rule review;**
  - The Board meets monthly, and almost without exception, it assesses some aspects of its rules every month. Those ongoing and continuous reviews regularly focus on improvements that could be made for the administration of our practice and the removal of any undue barriers from the rules. Those reviews have resulted in revisions to NDAC 66 that were effective July 1, 2012, April 1, 2016, and January 21, 2020.
- **Licensing requirements;**
  - North Dakota has licensing standards that closely follows the model legislation of the American Psychological Association (APA) and the Association of State and Provincial Psychology Boards (ASPPB) used by American states and Canadian provinces.
  - NDCC 43-32 uses the professional standards recommended by the American Psychological Association (APA), Canadian Psychological Association (CPA), and the Association of State and Provincial Professional Psychology Board (ASPPB) for entry requirements to the independent practice of psychology. Requirements include:
    - Completing a doctoral degree from an APA or CPA Accredited graduate program.

- Such a degree requires an APA, CPA or Association of Psychology Postdoctoral and Internship Centers (APPIC) 2000 hour internship
- A post-doctoral 1500 hour approved supervised residency.
- Passing the Examination of the Professional Practice of Psychology (EPPP) Part I examination.
- Passing the ND State Board of Psychology Examiners oral examination on North Dakota ethics and jurisprudence.
- Completing an application through the ASPPB PLUS credentialing application system for $200 fee.
- Paying $450 application fee.

- **History and trends of the licensing of foreign practitioners and any additional licensure requirements for foreign practitioners;**
  - Currently there are no mechanisms to establish equivalence for an APA/CPA Accredited degree except to complete such a program. The NDSBPE does not have the expertise or sufficient resources to establish such an equivalence and there is none provided in the NDCC. This has been discussed at length in legislative testimony with the House and Senate Human Services Committees and Interim Committees.
  - NDSBPE is studying this issue with ASPPB and Canadian Provinces, the latter of which has been required by Canadian Supreme Court to develop an equivalence mechanism.
    - It is NDSBPE's hope to make use of such a mechanism when it is ready.
    - As another strategy, ASPPB has prepared a second level national examination called the EPPP Part II.
      - It is purported to measure competence, and this is being studied as a potential means of establishing equivalence through assessment. While the examination has been implemented by a few states, the validity data is yet too early to determine whether that is an appropriate use. But the data continues to be collected and evaluated with promising results.
- **Reciprocity agreements with surrounding states;**

- The legislature has not given the Board the authority to enter into reciprocity agreements. As a result, we would exceed our authority if we entered into such Agreements. Consequently, there are no existing reciprocity agreements in psychology practice with surrounding states. But the legislature does provide us with what is widely understood to be a "reciprocity law." That law gives us the authority to grant licenses to a licensee of any other state if that state's laws meet or exceed North Dakota's licensing standards. That statute is NDCC § 43-32-19.1
- PSYPACT is the Psychology Interjurisdictional Compact that was defeated in the 2019 legislature. It had not achieved sufficient state adoptions at that time to be implemented. It was NOT considered in the 2021 session.
    - Permits Credentialed Psychologists to conduct telehealth practice in participating states and a limited amount of in person services in participating states, while providing regulatory control processes to protect citizens of the participating states.
- 26 states have adopted it, 18 were fully implemented during Covid.

- **Fees charged by the board;**
    - Application for Licensure fee is $450
    - Licensure renewal annual fee is $250
    - Other fees for late submissions and other extra services.
    - APA and ASPPB licensure guides note application fees are from $500 to $1000.
        - Minnesota is $550
        - South Dakota is $300 and $200 for the Oral Exam (ND is included in application fee)
        - Montana is $775.
- **Training requirements for board members and executive directors;**
    - NDSBPE does not have an Executive Director but contracts with a Board Management company for our office work. The Proposal they submit to the state OMB outlines their qualifications. We do not mandate training for this company.

- All board members are given an orientation within the first 3 months of appointment by a board member or through ASPPB.
- Most members are encouraged to attend the ASPPB Bi-annual conferences and for the past 3 years, 4 or 5 of the 7 board members have attended each (2 times per year). The last 2 years have been virtual.
- NDSBPE has hosted the Federation of Associations of Regulatory Boards (FARB) board member training conferences two times in the last 8 years in North Dakota. Attendance was from virtually all the boards, and in several cases almost all the board members attended from each of those boards.
- Board members are encouraged to attend board training seminars conducted by the Office of the Attorney General. Those seminars have occurred in 2018, 2019, and 2021 with 2 to 4 in attendance.

- **Executive director turnover trends; and**
  - As we do not have an executive director and never have, we do not have such turnover. However, our Board Management executive secretary company has changed 4 times since 2012. We ended our relationship with the first contractor due to our expectations not being fully met, and the next two companies we contracted with decided to change their business models and stop doing board management serves of any kind (not just with ourboard).
- **The average length of service of board members.**
  - Of the 7 Board members, the newest is 0 years and the longest serving is 9 years. The current average membership years of members at 3.57 years.

FURTHER EFFORTS TO SIMPLIFY PSYCHOLOGIST LICENSURE

Over the past decade the Board has worked through legislative and administrative code changes to streamline licensure for appropriately qualified applicants.

Implementation of Provisional Licensure enables qualified applicants to begin practice within a few days to a week or two upon completion of submitting the application materials.

Further steps to streamline the process includes uses Electronic Signature technology to reduce snail-mail time and legislative and administrative code modifications that enable applicants with well-supervised pre-doctoral experiences to count those hours towards their post-doctoral Residency requirement common to licensure across North American (Canada and US).

One of the expensive and complicated processes for applicants is the gathering and vetting of application credentials. North Dakota was one of the first in the nation to use the ASPPB (Association of State and Provincial Psychology Boards) PLUS credentialling application and storage system. Many of the states and provinces, especially the smaller ones, now use this service as PLUS has the technologies for speedy collection and storage, and the networking connections to help applicants with overcoming common barriers to be overcome.

We are looking forward to launching our new Board webpage that is being configured right now. It will make applications even easier, enable applicants to track their progress towards licensure, and speed annual renewals.

CLOSING AND RECOMMENDATIONS

The Board of Psychologist Examiners appreciates this opportunity to provide an overview of the licensure process in psychology.

PSYPACT is the Psychology Interjurisdictional Compact which creates a system of telehealth and limited in-person services. It enables interstate public protection assurances across participating states. The legislature

considered this in 2019 and it was defeated but could be reconsidered at any point.

We are continuing to seek methods of appropriately vetting foreign trained psychologists following accepted standards of practice. We have a close watch on the Canadian provinces for their developing system. Beyond that, we are studying the emerging data on the EPPP Part II examination of ASPPB to consider the potential use as an examination method of vetting professionals trained elsewhere.

We keep working hard to make the licensure process clear and efficient for qualified psychologists. While we continue to improve our customer service strategies, we try to do so without sacrificing the minimum necessary professional standards required of us by our mission in the regulation of psychology for the benefit and protection of the citizens of North Dakota.

We would be happy to answer any questions.