

ND STATE BOARD OF PSYCHOLOGIST EXAMINERS

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Testimony on Board Rules

Chairman Koppelman and members of the Administrative Rules Committee:

I am Dr Alan Fehr, clinical psychologist and past president of the North Dakota State Board of Psychologist Examiners. I am here to testify and answer questions about the October 2011 rules of the Board.

A letter from this committee inviting us to testify had posed a number of questions, which I will address in order:

1. Whether the rules resulted from statutory changes made by the Legislative Assembly:

Yes. There are several examples.

- a. Previously, there were allowances for individuals to be licensed as psychologists who were graduates of programs that were considered to be "substantially psychological in nature" or were considered to be equivalent to psychology programs. The current NDCC section 43-32-20 requires that applicants for licensure have completed an accredited program. Therefore, the guidelines for equivalency or to determine whether a program is "substantially psychological in nature" are no longer relevant. The new standard is for programs to be accredited. Therefore, those sections are being deleted from our rules, which includes chapter 66-02-02, pages 21 through 25, and section 66-02-01-12, which starts at the bottom of page 16 and continues to the middle of page 20.
- b. NDCC section 43-32-27.1 had allowed for the Board to "establish procedural exceptions for processing multiple complaints from the same complainant." This procedure is listed on page 13, section 66-02-01-07.1.

- c. Requirements for licensure have required applicants to complete a year of internship and a year of post-doctoral residency. NDCC 43-32-20 subsection 1.d changed the wording from "one year of which must be postdoctoral" to "one year of which may be postdoctoral." This allowed for both years to be predoctoral but the guidelines for the 2nd year needed to be defined. This is listed in section 66-02-01-11.1, which begins at the bottom of page 13 and continues to the middle of page 16.

2. Whether the rules are related to any federal statute or regulation: No.

3. A description of the rulemaking procedure followed in adopting the rules:

The Board published the Abbreviated Notice of the hearing on the rules in each official newspaper at least 20 days before the hearing. The hearing was conducted on May 17, 2011. Nobody appeared to comment.

4. Whether any person has presented a written or oral concern, objection, or complaint for agency consideration with regard to these rules:

The Board did not receive any written or oral comments on the rules.

5. The approximate cost of giving public notice and holding any hearing on the rules and the approximate cost of developing and adopting the rules:

The cost of giving public notice was \$1,457. The cost of travel and phone calls is estimated at \$250.

6. An explanation of the subject matter of the rules and reasons for adopting those rules:

In addition to the changes to comply with NDCC changes, the following also reflect changes to the rules.

- a. On page 11 the executive secretary's name and contact information is updated.
- b. On page 13 the ethics code is updated to the most recent version.
- c. Section 66-02-01-08 on page 13 provides a modest increase in the license application fee and an increase in the renewal fee as allowed by NDCC 43-32-13. These increases are necessary to fund Board operations.
- d. In the middle of page 16 there was a reference to a condition that expired on January 1st, 2010. Since it was outdated, this reference was deleted.

e. In section 66-02-01-12.1 on page 20 there is the listing of two additional accrediting bodies as allowed by NDCC 43-32-20.

7. Whether a regulatory analysis was required by North Dakota Century Code Section 28-32-08 and whether that regulatory analysis was issued: No.

8. Whether a regulatory analysis or economic impact statement of impact on small entities was required by NDCC Section 28-32-08.1: No.

9. Whether these rules have a fiscal effect on state revenues and expenditures:

The Board does not receive any state general funds. The Board is primarily funded through renewal fees. The renewal fees were increased as authorized by statutory change in 43-32-13.

10. Whether a constitutional takings assessment was prepared: No.

11. Were these rules adopted as emergency rules: No.

Thank you for allowing this testimony from the ND State Board of Psychologist

Examiners. I would be happy to address your questions.