

VOLUME 49, ISSUE 12
ISSUE DATE: **JUNE 19, 2017**
RULE ADOPTIONS

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

Adopted New Rules: N.J.A.C. 13:42-10.20 through 10.24

Continuing Education; Continuing Education Programs; Continuing Education Audits; Records of Continuing Education; Waiver of Continuing Education Requirements; Additional Continuing Education Requirements

Proposed: September 6, 2016, at 48 N.J.R. 1782(a).

Adopted: December 5, 2016, by the State Board of Psychological Examiners, Nancy E. Friedman, Ph.D., Chair.

Filed: May 11, 2017, as R.2017 d.122, **with non-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 and P.L. 2015, c. 131.

Effective Date: June 19, 2017.

Expiration Date: May 18, 2023.

Summary of Public Comments and Agency Responses:

The official comment period ended November 5, 2016. The Board received 51 comments from the following individuals:

1. Doug Behan, Director of Continuing Education, Assistant Professor of Professional Practice, School of Social Work, Rutgers, The State University of New Jersey;
2. Khaya Eisenberg, Psy.D.;
3. Peter J. Economou, Ph.D., ABPP;
4. Elinor Bashe, Psy.D.;
5. Andrew Boucher, Assistant Director, National Register of Health Service Psychologists;
6. Peter Richman, Ph.D., Psychologist-psychoanalyst, Former Associate Director, Center for Psychoanalysis and Psychotherapy NJ;
7. Bart Rossi, Ph.D.;
8. Jeffrey C. Danco, Psy.D.;

9. Frank C. Calandra, Psy.D.;
10. Milton Spett, Ph.D.;
11. Lynn Mollick, Ph.D., Corresponding Secretary, New Jersey Association of Women Therapists;
12. Fawn McNeil-Haber, Ph.D.;
13. Julia Conrath, Ph.D.;
14. Nina K. Thomas, Ph.D., ABPP, FAGPA, CGP;
15. James S. Wulach, Ph.D., J.D.;
16. Anthony F. Tasso, Ph.D., ABPP;
17. Barbara L. Rosenberg, Ph.D.;
18. Tamara Sofair-Fisch, Ph.D.;
19. Tamara Shulman, Ph.D., FAACP;
20. Keira Boertzel-Smith, JD, NJPA Executive Director;
21. Philip H. Witt, Ph.D., A.B.P.P.;
22. William W. Benson, PsyD;
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24. Alison P. Block Ph.D.;
25. Jonathan Krejci, Ph.D. Director of Clinical Programs, Training and Research, Princeton House Behavioral Health;
26. Cathy M. West, Ph.D.;
27. Steven Tzvi Pirutinsky;
28. Mark Singer, Ed.D.;
29. Randolph Shipon, Ph.D.;
30. Jill Gentile, Ph.D.;
31. Jeffrey H. Axelbank, Psy.D.
32. Debra Haverson, MSW, LCSW, Co-President, New Jersey Association of Women Therapists;
33. Meryl Nadell, MSW, LCSW, Co-President, New Jersey Association of Women Therapists;

34. Bebe Brusky, MSW, LCSW, Recording Secretary, New Jersey Association of Women Therapists;
35. Dana Oliver, MSW, LCSW, Treasurer, New Jersey Association of Women Therapists;
36. Paivi Outinen, RN, MSW, LCSW, President Ex-Officio, New Jersey Association of Women Therapists;
37. Lila Redmount, MSW, LCSW, Membership Chair, New Jersey Association of Women Therapists;
38. Janice Della Badia, MSW, LCSW, Program Chair, New Jersey Association of Women Therapists;
39. Sharon McCobin, MSW, LCSW, Publicity Chair, New Jersey Association of Women Therapists;
40. Kimberly Goodrich, MSW, LCSW, Hospitality Chair, New Jersey Association of Women Therapists;
41. Phyllis Kopit, MSW, LCSW, Communications Chair, New Jersey Association of Women Therapists;
42. Beverly Hays, MSW, LCSW, Nominating Chair, New Jersey Association of Women Therapists;
43. Marcia Lite-Braus, MA, LPC, Member-at-Large, New Jersey Association of Women Therapists;
44. Susan Orshan, PsyD, Member-at-Large, New Jersey Association of Women Therapists;
45. Karen J. Lazar, Ph.D., Chair Academy of Clinical and Applied Psychoanalysis Continuing Education Programs;
46. Chris Kotsen, PsyD, CTTS;
47. Tamara Latawiec, PsyD;
48. Brook Hersey, PsyD;
49. Janie Feldman, PsyD;
50. Anthony Todaro, Ph.D., ABPP;
51. Janice Victor, LCSW, NCPsyA, Chair, Board of Trustees, New Jersey Institute for Training in Psychoanalysis;

1. COMMENT: Two commenters support the continuing education regulations.

RESPONSE: The Board thanks the commenters for their support.

2. COMMENT: A commenter opposes requiring licensees to complete continuing education in order to renew licensure. The commenter contends that New Jersey has resisted imposing

continuing education requirements on psychologists for years. The commenter believes that requiring continuing education is a capitulation to physicians and the medical model approach to psychology. The commenter is concerned that the continuing education requirement will be used to indoctrinate psychologists to certain schools of thought. The commenter favors the use of continuing education to supplement a licensee's knowledge, but opposes making continuing education compulsory. The commenter believes that mandatory continuing education is a threat to the independent practice of psychology.

RESPONSE: P.L. 2015, c. 131 requires licensees to complete continuing education in order to renew licensure.

3. COMMENT: A few commenters recommend that the Board create an exemption to continuing education requirements for older licensees. One commenter suggests that such exemptions apply to licensees who are 65 years or older and who no longer see patients. Other commenters recommend that an exemption apply to any licensee who has practiced for 25 or more years.

RESPONSE: P.L. 2015, c. 131 requires all licensees to complete continuing education in order to renew licensure. The Board does not have the authority to create the exemption requested by the commenters.

4. COMMENT: Several commenters recommend that the Board permit licensees to carry over continuing education credits completed prior to the effective date of these regulations. The commenters contend that many licensees completed continuing education credits in the past and allowing licensees to carry over these credits would aid in the adjustment to new continuing education requirements.

RESPONSE: N.J.A.C. 13:42-10.20(d) permits a licensee to carry over up to 10 continuing education credits towards a succeeding biennial registration period. This provision would apply to the biennial period preceding the effective date of the new rules. A licensee who has completed continuing education credits in the two-year period prior to the effective date of the new rules could apply up to 10 credits to the first renewal in which he or she is required to complete continuing education in order to renew licensure.

5. COMMENT: A few commenters oppose requiring licensees to complete four credits of continuing education in domestic violence. The commenters contend that there are many other topics that would be relevant to a licensee and that there is no reason to focus exclusively on domestic violence. The commenters believe that it is likely that licensees will take the same or very similar courses on domestic violence every biennial license period. One of the commenters recommended that the Board replace this requirement with eight credits in professional ethics, which could include domestic violence. Another commenter recommended that this requirement be extended to cover the dynamics of predatory/prey relationships.

RESPONSE: P.L. 2015, c. 131 requires that four credits of continuing education be in topics related to domestic violence. The Board does not have the authority to alter this requirement, but believes that domestic violence is a broad area under which many topics, such as the dynamics of predatory/prey relationships, would fall.

6. COMMENT: Two commenters request that N.J.A.C. 13:42-10.20(b) be amended to require licensees to complete two credits of continuing education in ethics and three credits of continuing education in multicultural competency. According to one of the commenters, the majority of states impose an ethics requirement. This commenter recommends that

ethics and multicultural competency be broadly defined. Ethics should include personal and organizational standards of behavior expected of licensees. Multicultural competency should include commitment to the welfare of all people and respect for local communities, indigenous values, and national and cultural differences, as well as awareness of intersecting lines of power and privilege among different members of society.

RESPONSE: The Board believes that licensees should be permitted to obtain continuing education in the areas that are pertinent to their practice and does not believe that it should dictate the topics that licensees must complete outside of the four credits of continuing education in topics related to domestic violence required by P.L. 2015, c. 131.

7. COMMENT: Several commenters oppose requiring licensees to complete continuing education credits in ethics or in multicultural competency. The commenters contend that there is no reason to further dictate the continuing education courses a licensee must complete.

RESPONSE: The Board agrees with the commenters and will not require licensees to complete continuing education credits in ethics or multicultural competency.

8. COMMENT: A commenter points out that the Council for the National Register of Health Service Providers in Psychology has changed its name to the National Register of Health Service Psychologists. The commenter requests that the Board amend N.J.A.C. 13:42-10.21(a) to reflect this name change.

RESPONSE: The Board has changed N.J.A.C. 13:42-10.21(a) upon adoption as the commenter recommended.

9. COMMENT: Several commenters request that the Board amend N.J.A.C. 13:42-10.21(a) to include the New Jersey Psychological Association as an entity that may approve providers of continuing education courses or programs.

[page=1691] RESPONSE: The New Jersey Psychological Association is approved by the American Psychological Association to provide continuing education courses and programs. The New Jersey Psychological Association does not approve other entities to provide courses or programs, it co-sponsors courses or programs with other entities. As the New Jersey Psychological Association is approved to provide courses and programs, the courses and programs it provides, either on its own or in co-sponsorship, will qualify for continuing education credit pursuant to N.J.A.C. 13:42-10.21(a) and it is not necessary to change the regulation as the commenters requested.

10. COMMENT: Two commenters believe that there is a conflict of interest if the New Jersey Psychological Association is allowed to review continuing education programs as it will be offering its own programs.

RESPONSE: The New Jersey Psychological Association is not recognized in N.J.A.C. 13:42-10.21 as an entity that approves review of continuing education providers.

11. COMMENT: Several commenters contend that the Council for National Register of Health Service Providers in Psychology and the Association of State and Provincial Psychology Board do not approve providers of continuing education. The commenters also contend that the American Medical Association only approves organizations run by medical doctors. They contend that this means that the only entity recognized in the regulations that approves continuing education providers in psychology is the American Psychological Association.

Some of the commenters recommend that the other entities in N.J.A.C. 13:42-10.21(a) be deleted to avoid confusion.

RESPONSE: N.J.A.C. 13:42-10.21(a) requires continuing education courses or programs to be presented by providers approved by the American Psychological Association, the National Register of Health Service Psychologists, the Association of State and Provincial Psychology Board, or the American Medical Association. The Board intended to recognize courses and programs approved by these entities and courses and programs offered by these entities. N.J.A.C. 13:42-10.21(a) should have required that courses or programs be offered by these entities or be offered by providers approved by these entities. The Board has changed N.J.A.C. 13:42-10.21(a) upon adoption, so that courses offered by these entities will qualify for continuing education credits. This change will address the commenters' concerns as to the number of entities that are recognized by the Board for continuing education.

12. COMMENT: One commenter recommends that the Board recognize Psychological Associations in other states as entities that may accredit continuing education courses or programs.

RESPONSE: The Board believes that continuing education courses or programs should meet the standards imposed by the entities recognized in N.J.A.C. 13:42-10.21(a) in order to ensure the validity of such courses or programs. Continuing education courses or programs offered by state psychological associations will be recognized, if the state psychological association is approved by one of these entities, as the New Jersey Psychological Association is approved by the American Psychological Association.

13. COMMENT: Two commenters recommend that the Board recognize continuing education programs accredited by the Association of Social Work Boards or the National Association of Social Workers.

RESPONSE: The Board is not convinced that courses or programs accredited by the Association of Social Work Boards or the National Association of Social Workers are sufficiently related to the practice of psychology and will not change the rules as the commenters recommend.

14. COMMENT: Three commenters contend that the Board should recognize the Institute for Continuing Legal Education of the New Jersey Bar Association as an entity that can accredit continuing education courses in psychology.

RESPONSE: The Board is not convinced that courses or programs accredited by the Institute for Continuing Legal Education are sufficiently related to the practice of psychology and will not change the rules as the commenters recommend.

15. COMMENT: Three commenters recommend that the Board permit licensees to take continuing education courses offered by the American Medical Association.

RESPONSE: As changed upon adoption, N.J.A.C. 13:42-10.21(a) recognizes that courses or programs offered by, or presented by entities approved by, the American Medical Association will qualify for continuing education credits.

16. COMMENT: A commenter recommends that the Board recognize the Center for Psychotherapy and Psychoanalysis of New Jersey as an entity that offers and approves continuing education for licensees.

RESPONSE: The Board believes that entities must be approved by the American Psychological Association, the National Register of Health Service Psychologists, the Association of State and Provincial Psychology Board, or the American Medical Association in order to ensure that continuing education courses and programs provided by such entities have the appropriate scope and rigor to ensure a quality continuing education experience. The Board will not recognize the Center for Psychotherapy and Psychoanalysis of New Jersey as the commenter recommends. Courses or programs offered by this entity would qualify for continuing education credit if they are approved by one of the entities listed in N.J.A.C. 13:42-10.21(a).

17. COMMENT: A commenter contends that the field of mental health must be reunified and recommends that, in keeping with this, the Board should recognize continuing education courses approved by social work associations, counseling associations, psychiatric associations, and marriage and family associations.

RESPONSE: The Board believes that continuing education courses have to be related to the practice of psychology. The Board is not convinced that courses approved by social work associations, counseling associations, psychiatric associations, or marriage and family associations will be sufficiently related to psychology unless they are approved by the entities listed in N.J.A.C. 13:42-10.21(a).

18. COMMENT: A commenter recommends that the Board recognize courses offered by any organization, as long as those courses are related to psychology. Another recommends that the Board recognize additional entities that approve continuing education courses, such as those that focus on social work or sex therapy.

RESPONSE: The Board has recognized the entities that it believes focus on the practice of psychology in N.J.A.C. 13:42-10.21. At this time, it will not recognize any additional entities.

19. COMMENT: Several commenters recommend that the Board recognize the Board of Social Work Examiners as an entity that can approve providers of continuing education. The commenters contend that the Board of Marriage and Family Therapy Examiners and the Professional Counselors Examining Committee recognize the Board of Social Work Examiners.

RESPONSE: The Board points out that the Board of Social Work Examiners does not approve continuing education providers; it recognizes continuing education approval entities, but it does not approve providers of continuing education. The Board will not change the rules as the commenters recommend.

20. COMMENT: Several commenters are concerned that their program will have to be accredited by psychological accrediting entities. Their program is accredited by a national entity and obtaining additional accreditation will be burdensome and expensive. The commenters recommend that the Board accept any continuing education credits that are recognized by other mental health boards.

RESPONSE: The Board is not convinced that continuing education courses or programs recognized by other mental health boards are sufficiently related to the practice of psychology and will not change the rules as recommended by the commenters.

21. COMMENT: Two commenters oppose the proposed fee of \$ 250.00 for program application as it will be a burden on small associations. One commenter recommends that

the Board create a free standing committee and set a lower fee. Another commenter recommends that the Board review full programs and not individual courses or that it accept any existing program that is recognized by a national accrediting body accepted by mental health professions.

[page=1692] RESPONSE: The Board does not approve continuing education courses or programs and does not charge any fees in relation to program approval.

22. COMMENT: A commenter is concerned that the new regulations do not recognize post-doctoral training required to become a psychoanalyst. The commenter contends that graduates of psychoanalytic institutes have completed years of courses and supervision and that they have experience in unconscious responses to patient communication.

RESPONSE: N.J.A.C. 13:42-10.21(b)1 recognizes that completion of a graduate course related to the practice of psychology will qualify for continuing education credit, as long as the school providing the course is accredited by a regional accrediting body recognized by the United States Department of Education or the Council on Postsecondary Accreditation. As long as post-doctoral training is completed at such a school, the completion of this training will qualify for continuing education credits.

23. COMMENT: One commenter requests that university-based schools of social work and psychology be deemed approved continuing education providers. The commenter contends that failure to recognize schools will limit access to continuing education. The commenter is from a social work school that offers continuing education courses in a variety of topics, including domestic violence. Some of these courses are taught by psychologists and the school collaborates with a graduate psychology school.

RESPONSE: The Board believes that, in order to ensure a rigorous review of continuing education courses and to ensure that they are sufficiently related to the practice of psychology, all continuing education courses have to be offered by entities listed in N.J.A.C. 13:42-10.21(a) or by providers approved by those entities. This includes continuing education courses offered by schools.

24. COMMENT: A commenter contends that the requirement in N.J.A.C. 13:42-10.21(b)1 that a graduate course be from a school, college, or university accredited by a regional accrediting body recognized by the United States Department of Education or the Council on Postsecondary Accreditation means that courses from some institutes will not count towards continuing education requirements. The commenter contends that licensees who take post-graduate coursework do not take courses in graduate schools. According to the commenter, licensees take courses from post-graduate training programs and institutes. The commenter believes that requiring accreditation is limiting.

RESPONSE: The Board believes that there has to be a standard for approval of schools in order to ensure that they are providing appropriate educational opportunities. Schools that are not accredited may not be providing such education and the Board will not recognize courses from such schools for continuing education credits.

25. COMMENT: Several commenters recommend that the Board recognize writing articles for peer-reviewed professional journals for continuing education credits. One of the commenters recommends that the Board also recognize continuing education credit for writing a book.

RESPONSE: N.J.A.C. 13:42-10.21(b)2 and 3 recognize that writing a textbook or peer-

reviewed article will qualify for continuing education credits.

26. COMMENT: A commenter asks if non-peer reviewed articles will not count towards continuing education requirements even if such articles are in professional journals. The commenter contends that writing an article, such as a book review takes a large amount of time and results in the acquisition of knowledge.

RESPONSE: Articles that have not gone through peer review will not qualify for continuing education credit. Peer review ensures that an article has met a high standard of review and is worthy of continuing education credit.

27. COMMENT: A commenter asks if conducting professional workshops is a method to obtain continuing education credits. The commenter contends that developing and updating such workshops takes a considerable amount of time.

RESPONSE: N.J.A.C. 13:42-10.21(b)4 recognizes that licensees may obtain continuing education credit through presenting a new lecture or seminar to professional peers.

28. COMMENT: A commenter recommends that the Board recognize that licensees can complete continuing education credits through delivering continuing education programs.

RESPONSE: N.J.A.C. 13:42-10.21(b)4 recognizes that licensees may obtain continuing education credits by teaching or developing the curriculum for a new continuing education course or program.

29. COMMENT: One commenter is troubled that seminar training through universities is not recognized for continuing education credits.

RESPONSE: The Board believes that seminar training would be recognized either as a graduate course under N.J.A.C. 13:42-10.21(b)1 or as a continuing education course or program under N.J.A.C. 13:42-10.21(a). If seminar training is a continuing education course or program, it would have to be offered by one of the entities listed in the regulation or by a provider approved by such entities.

30. COMMENT: Two commenters ask if teaching a college class counts towards continuing education requirements. The commenters contend that teaching a college class takes a considerable amount of time.

RESPONSE: N.J.A.C. 13:42-10.21(b)5 recognizes that teaching or developing the curriculum for a new course related to psychology in a school accredited by a regional accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation will qualify for continuing education credit.

31. COMMENT: A commenter contends that teaching new curriculum every year to medical students should qualify for continuing education credits.

RESPONSE: N.J.A.C. 13:42-10.21(b)5 recognizes that teaching or developing the curriculum for a new course related to psychology in a school accredited by a regional accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation will qualify for continuing education credit.

32. COMMENT: A commenter recommends that the Board recognize that licensees can obtain continuing education credits for teaching a course in psychology whenever a course

is revised or updated.

RESPONSE: N.J.A.C. 13:42-10.21(b)5 recognizes that teaching a new course related to psychology in a school accredited by a regional accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation will qualify for continuing education credit. The regulation defines "new" as a course the licensee has never taught before. This standard ensures that licensees are obtaining continuing education that is not repetitive and adds to his or her knowledge base. Teaching the same course does not significantly add to a licensee's knowledge base and the Board will not recognize teaching the same course for continuing education credit.

33. COMMENT: Many commenters recommended that the Board recognize participation in individual supervision or peer supervision groups for continuing education credits. The commenters contend that individual supervision is the best continuing education as it is directly related to improved performance as a psychologist. They contend that group supervision provides input, suggestions, and current information from the field that helps psychologists and clients. The commenters fear that not providing credit for peer supervision will discourage licensees from seeking supervision. Some of the commenters recommended that the Board: specify the credentials necessary for a licensee to provide supervision; limit the number of credits that may be completed through supervision; set forth the number of hours of supervision that will qualify as a continuing education credit; require licensees to pay for supervision and retain a receipt as part of their records; and require licensees to provide the Board with their notes from supervision upon request.

RESPONSE: While the Board agrees that supervision can be a benefit to the practice of psychology, it does not believe that continuing education credit should be provided for supervision. There is no way to guarantee that supervision is being provided appropriately or is benefiting licensees or patients. There is no entity that approves supervision or provides guidelines for supervision. This means that the Board has no way to evaluate the quality of supervision provided or to ensure that supervision is being provided. The Board will continue to review the issue of supervision to determine whether it should establish [page=1693] a process for recognizing supervision for continuing education credits at a later date, but the Board will not provide such recognition at this time.

34. COMMENT: Many commenters recommend that licensees be allowed to obtain continuing education through providing supervision. The commenters contend that supervising licensees provides new knowledge and skills relevant to psychological practice and requires supervisors to keep abreast of new information on training and ethical practice. One commenter recommends that supervisors be required to complete training in order to ensure the quality of the supervision they provide. According to the commenter, the Board of Social Work Examiners imposes a training requirement that the Board could follow.

RESPONSE: As discussed in the Response to Comment 33, the Board has no way to evaluate the quality of supervision being provided and does not believe it is appropriate to recognize supervision for continuing education credits at this time.

35. COMMENT: Two commenters recommend that N.J.A.C. 13:42-10.21(b) be amended to allow licensees to complete continuing education through participation in organization leadership. One of the commenters contends that such activity provides new knowledge and skills and can include presentations or discussions relevant to psychological practice.

RESPONSE: The Board does not believe that participating in organization leadership provides a sufficient addition to a licensee's knowledge base to provide continuing education

credits for such participation.

36. COMMENT: A commenter recommends that the Board allocate continuing education credits for delivering special presentations and appearing on television or radio.

RESPONSE: The Board does not believe that delivering special presentations or appearing on television or radio adds to a licensee's knowledge base. Such presentations and appearances should not be recognized for continuing education credit.

37. COMMENT: Two commenters ask if working on an editorial board will count towards continuing education requirements. The commenters contend that such work is a considerable time commitment and that licensees gain knowledge from performing such work.

RESPONSE: Working on an editorial board does not sufficiently add to a licensee's knowledge base and should not be recognized for continuing education credit.

38. COMMENT: A commenter contends that there is ambiguity as to whether readings are an acceptable avenue to obtain continuing education credits. The commenter believes that American Psychology Association readings, which include an examination, should be recognized as an acceptable method to obtain continuing education credits.

RESPONSE: Readings approved by the American Psychology Association are continuing education programs and would qualify for continuing education credit pursuant to N.J.A.C. 13:42-10.21(a).

39. COMMENT: A commenter recommends that continuing education credits completed to satisfy the requirements of other state psychology boards should count towards New Jersey continuing education requirements.

RESPONSE: The Board is not sufficiently familiar with the requirements of all other state psychology boards and does not believe it would be appropriate to accept all of the credits permitted by those other boards. As long as the continuing education completed to satisfy another state's requirements meets the requirements of N.J.A.C. 13:42-10.21, it will qualify for continuing education credit in New Jersey.

40. COMMENT: A commenter asks if obtaining a diplomate through the American Board of Professional Psychology will qualify for continuing education credits.

RESPONSE: Obtaining a diplomate through the American Board of Professional Psychology does not qualify for continuing education credits.

41. COMMENT: A commenter is concerned with N.J.A.C. 13:42-10.21(c), which requires at least 10 continuing education credits to be completed in courses or programs at which there is an opportunity for live interaction with an instructor. The commenter believes that this will require licensees to attend conferences or programs. This could impose unnecessary burdens on licensees. The commenter recommends that the Board reduce the number of live interaction credits. The commenter also recommends that the Board state at N.J.A.C. 13:42-10.21(c) that live-webinars qualify as live interaction credits.

RESPONSE: The requirement for live interaction with an instructor at N.J.A.C. 13:42-10.21(c) does not require attendance at a continuing education course or program. As long as there is an opportunity to interact with the instructor, a course provided over the internet

will qualify. Live-webinars would qualify for the live interaction credits, as long as individuals watching the webinar have the opportunity to ask the instructor questions or otherwise interact with the instructor.

42. COMMENT: A commenter contends that requiring in person participation for 10 credits will be a financial hardship for licensees and could be a physical difficulty for older or physically disabled licensees and for those who work part-time. The commenter recommends that the Board delete this requirement and allow licensees to complete continuing education credits online, through DVD courses, or by reading materials that have been approved for continuing education.

RESPONSE: As discussed in the Response to Comment 41, N.J.A.C. 13:42-10.21(c) does not require in-person participation. Online courses will qualify for this requirement, as long as there is an opportunity to interact with the instructor. DVD courses, reading materials, and other distance learning opportunities are recognized for continuing education credit, as long as they are offered by entities listed in N.J.A.C. 13:42-10.21(a) or are offered by providers approved by such entities.

43. COMMENT: A commenter recommends that the Board permit licensees to complete up to half of the required continuing education credits through webinars or distance learning as travel time to conferences can be a barrier to attendance.

RESPONSE: Licensees can complete all of their continuing education requirements through webinars or other distance learning, as long as they are offered by the entities listed in N.J.A.C. 13:42-10.21(a) or by providers approved by such entities. Ten of these credits must come from courses where there is an opportunity to interact with the instructor.

Federal Standards Statement

A Federal standards analysis is not required because adopted new rules do not involve any Federal standards or requirements.

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

SUBCHAPTER 10. GENERAL OBLIGATIONS OF A LICENSEE

13:42-10.19 (Reserved)

13:42-10.20 Continuing education

(a) Upon the first biennial license renewal after ***[(one year from the effective date of this section)]*** ***June 19, 2018***, and upon every biennial license renewal thereafter, licensees shall attest that they have completed courses of continuing education of the types and number of credits specified in (b) and (c) below and in N.J.A.C. 13:42-10.21. Falsification of any information submitted on the renewal application may require an appearance before the Board and may subject a licensee to penalties and/or suspension or revocation of the license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

(b) Each applicant for biennial license renewal shall be required to complete during the preceding biennial period 40 credits of continuing education related to the practice of psychology, except as provided in (c) below. These 40 credits shall include at least four credits in topics related to domestic violence.

(c) Licensees applying for their first biennial renewal shall not be required to indicate that they completed continuing education requirements.

(d) A licensee who completes more than the minimum continuing education credit hours set forth in (b) above in any biennial registration period may carry no more than 10 of the additional credit hours into a succeeding biennial period.

13:42-10.21 Continuing education programs

(a) A licensee shall successfully complete at least 20 of the required 40 continuing education credits through continuing education courses or [page=1694] programs related to the practice of psychology, one credit for each hour of instruction. Courses or programs shall ***either*** be presented by ***the following or be presented by*** providers approved by the ***following***:

1. American Psychological Association;
2. ***[Council for the]* National Register of Health Service *[Providers in Psychology]*
*Psychologists***;
3. Association of State and Provincial Psychology Board; or
4. American Medical Association.

(b) A licensee may complete up to 20 of the required 40 continuing education credits from the following:

1. Completing a graduate course, related to the practice of psychology, given by a school, college, or university accredited by a regional accrediting body recognized by the United States Department of Education or the Council on Postsecondary Accreditation, one credit for each hour of instruction up to 20 credits;
2. Authorship of a textbook or a chapter of a textbook directly related to the practice of psychology published in the biennial renewal period for which the licensee is allocating the credits, five credits for each chapter up to five credits;
3. Authorship of an article, which has been refereed through peer review, related to the practice of psychology in a psychological, medical, or health related journal published in the biennial renewal period for which the licensee is allocating the credits, five credits per article up to five credits;
4. Presenting a new lecture or seminar to professional peers, or teaching or developing the curriculum for a new continuing education course or program related to psychology. The lecture, seminar, course, or program shall be approved pursuant to (a) above. "New" means that the licensee has never presented the seminar or lecture before, or taught or developed curriculum for that course or program in any educational setting; one credit for each 50 minutes of the lecture, seminar, course, or program, up to five credits; or
5. Teaching or developing the curriculum for a new course related to psychology in a school, college, or university accredited by a regional accrediting body recognized by the United States Department of Education or the Council on Postsecondary Accreditation. "New" means that the licensee has never taught or developed curriculum for that course in any

educational setting, five credits of continuing education for each academic credit taught up to five credits.

(c) At least 10 credits of the 20 required under (a) above shall be in courses or programs in which there is the opportunity for live interaction with the continuing education instructor.

13:42-10.22 Continuing education audits; records of continuing education

(a) The Board shall perform audits on randomly selected licensees to determine compliance with continuing education requirements.

(b) A licensee shall maintain the following documentation for a period of four years after completion of the credits and shall submit such documentation to the Board upon request:

1. For attendance at courses or programs presented by a provider approved pursuant to N.J.A.C. 13:42-10.21(a): a certificate of completion from the provider which includes:

i. The title, date, and location of course offering;

ii. Name of the licensee; and

iii. Number of credits awarded;

2. For successful completion of a graduate course: a transcript from the school, college, or university;

3. For publication of textbook or article: the published item, including the date of publication;

4. For teaching a course or program or developing curriculum: documentation, including a copy of the curriculum, location, date, and time of course, duration of course by hour, and a letter from the continuing education provider, or from the school, college, or university, confirming that the licensee developed or taught the course or program; and

5. For presenting a lecture or seminar: documentation including the location, date, and duration of the lecture or seminar, a copy of the presentation, and documentation from the sponsor of the lecture or seminar indicating that the licensee presented the lecture or seminar.

13:42-10.23 Waiver of continuing education requirements

(a) The Board may waive the continuing education requirements of N.J.A.C. 13:42-10.20 on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1. A licensee seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The licensee shall provide the Board with supplemental materials that support the request for waiver.

2. A waiver of continuing education requirements granted pursuant to this section shall be effective only for the biennial period for which such waiver is granted. If the condition(s) that necessitated the waiver continue(s) into the next biennial period, a licensee shall apply

to the Board for the renewal of such waiver for the new biennial period.

13:42-10.24 Additional continuing education requirements

(a) The Board may direct or order a licensee to complete continuing education credits:

1. As part of a disciplinary or remedial measure in addition to the required 40 hours of continuing education; or
2. To correct a deficiency in the licensee's continuing education requirements.

(b) Any continuing education credits completed by the licensee in compliance with an order or directive from the Board as set forth in (a) above shall not be used to satisfy the minimum continuing education requirements as set forth in N.J.A.C. 13:42-10.20.