



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Professional Practice Committee

FROM: Sarah S. Benson *Sarah S. Benson*

SUBJECT: Proposed Amendment of Sections 52.10, 72.1, 72.2, 72.3, 72.4 and 72.5 and Addition of Section 72.8 to the Regulations of the Commissioner of Education Relating to the Licensure of Psychologists

DATE: March 9, 2022

AUTHORIZATION(S): *Dom [Signature] Betty [Signature]*

SUMMARY

Issue for Decision

Should the Board of Regents amend sections 52.10, 72.1, 72.2, 72.3, 72.4 and 72.5 and add a new Section 72.8 to the Regulations of the Commissioner of Education related to the licensure of psychologists?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is being presented to the Professional Practice Committee for recommendation to the Full Board for adoption at the March 2022 meeting of the Board of Regents. A copy of the proposed rule is attached (Attachment A).

Procedural History

The proposed amendment was presented to the Professional Practice Committee for discussion at the November 2021 meeting. A Notice of Proposed Rule Making was published in the State Register on December 1, 2021. Following the 60-day comment period required under the State Administrative Procedure Act, the Department received approximately 130 comments. An Assessment of Public Comment is included as Attachment B.

No changes to the proposed amendment are recommended at this time. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

Article 153 of the Education Law establishes the licensure requirements for psychologists with doctoral degrees and restricts the practice of the profession to individuals licensed or otherwise authorized under the law. Part 52.10 of the Commissioner's regulations defines the education requirements for New York State higher education institutions seeking to offer licensure qualifying psychologist education programs. Part 72 of the Commissioner's regulations defines acceptable education, experience, and examination for licensure and limited permits, as well as temporary practice by a psychologist licensed in another state or territory. The current regulations were last amended between 1987 to 2003 and do not reflect contemporary standards for psychology licensure across the United States.

The proposed amendments will conform New York State's licensure requirements with national standards and create a pathway for licensure by endorsement. If the amendments are adopted, a psychologist, who is licensed on the basis of equivalent standards in another state, as determined by the Department, and in good standing in that state, will submit the following: (1) application and fee for licensure; (2) verification of doctoral education, examination, licensure in the other state; and (3) proof of five years of practice in the 10 years preceding the application in another U.S. jurisdiction. Endorsement can eliminate the detailed, individualized process used by the Department to review the education and experience that qualified the applicant for licensure in the other jurisdiction.

These proposed changes will expedite the licensure application process, which is particularly imperative in times of public health crises, like the COVID-19 pandemic. If adopted, certain out-of-state psychologists will be licensed to practice in New York State and, most importantly, held accountable for compliance with New York State laws that protect the public.

Proposed Amendments

Education for Licensure. The proposed amendment to Part 52.10 of the Commissioner's regulations defines the coursework and internship requirements for doctoral programs leading to licensure in psychology. The proposed amendment will bring New York State standards into alignment with the standards established by the American Psychological Association Commission on Accreditation (APA-CoA), which include, among other things, a supervised internship requirement as part of the doctoral degree. In addition, the proposed amendment to section 72.1 of the Commissioner's regulations would permit an applicant, with a doctoral degree in psychology from an accredited program, to meet the education requirements for licensure in this State. The proposed amendment, as noted above, also eliminates the need for individual transcript review of such applicants and will expedite the processing of licensure applications.

Individual transcript evaluation will generally be required only for graduates of programs outside New York that are not accredited, including doctoral degrees from foreign schools.

Experience for Licensure. Section 72.2 of the Commissioner's regulations currently defines acceptable experience as 3,500 clock hours of supervised experience in psychology, accumulated over no less than 2 full-time years or the part-time equivalent. The proposed amendment would continue to allow the applicant to meet the requirement with up to 1,750 hours of experience completed as part of the doctoral internship. The remainder of the applicant's experience would be completed after receipt of the qualifying doctoral degree. The proposed amendment would accommodate changes in professional practice by eliminating the requirement that experience must consist of at least six months of continuous experience in a particular setting or activity; under the current regulations, experience of less than six continuous months is not acceptable. The proposed amendment clarifies that academic experience by an applicant must be, at a minimum, not less than one semester of experience, which must consist of not less than six credit hours in the case of teaching experience. Finally, the proposed amendment clarifies that face-to-face supervision may include the use of secure, real-time technology acceptable to the Department, such as videoconferencing, which is consistent with a supervision accommodation that was adopted by the Department during the pandemic.

Licensing Examination. The proposed amendment to section 72.3 of the Commissioner's regulations updates the 1997 regulations that define eligibility requirements to take the licensing examination. Currently, New York State psychology licensure applicants are approved to take the computer-based examination that is developed and administered by the Association of State and Provincial Psychology Boards (ASPPB) when the Department approves 1,750 hours of acceptable supervised experience in psychology. The proposed amendments to section 72.3 of the Commissioner's regulations change the examination admission standard by requiring the applicant to have been awarded the doctoral degree in psychology, as defined in Section 72.1, for entry to the examination. This is similar to other health professions and would eliminate the need for multiple experience reviews by the Department to determine eligibility for the examination.

Limited Permit. Section 7604 of the Education Law authorizes the issuance of a limited permit for supervised practice over a period of three aggregate years, with the possibility of a one-year extension, to an applicant for initial licensure in New York State. The proposed amendment to section 72.4 of the Commissioner's regulations makes the limited permit process similar to other health professions, which would streamline the process and minimize processing delays. Limited permits may still be issued for three one-year periods, upon submission of the application and fee, with the possibility of a fourth one-year extension. However, the proposed amendment eliminates restrictive language regarding that final extension and removes barriers for the applicant, who may need additional time to meet the education and experience requirements, due to a variety of factors. Finally, the proposed amendment to section 72.4 of the Commissioner's regulations clarifies that the limited permit allows supervised practice,

while the applicant is meeting the experience and examination requirements for licensure, because candidates experienced delays in testing during the COVID-19 pandemic and had to cease employment while waiting to take the examination.

Temporary Practice. Section 7605(8) of the Education Law authorizes the Department to issue a one-time authorization for practice in New York State by a psychologist licensed in another jurisdiction, upon notification to the Department. This temporary authorization is limited to 10 consecutive business days or a total of 15 business days in a 90-day period. The proposed amendment defines “notification” to include the submission of a form prescribed by the Department and \$10 administrative fee, with an attestation that the applicant will comply with New York State laws, rules and regulations that define the practice of psychology. The proposed amendment also corrects a reference to the statute, which was renumbered in 2003. The regulation was not amended at that time to conform it to the statutory renumbering. This oversight has led to confusion regarding this exemption.

Endorsement. The COVID-19 pandemic has shown the need for mobility and flexibility in licensure and practice for many professions, particularly those relating to behavioral health. A psychologist licensed outside New York State can only practice within the State, either in person or through technology, if they are licensed and registered in New York. Consequently, experienced practitioners in other jurisdictions have to meet the same requirements as new graduates for education, supervised experience and examination in order to be licensed in this State, the required detailed review of which, among other things, delays the out-of-state practitioners’ ability to continue care for their existing patients who relocate to New York State, for any period of time.

Section 6506(6) of the Education Law authorizes the Board of Regents to endorse a license issued by another state or country if certain conditions are met. The proposed amendment adds a new section 72.8 to the Commissioner’s regulations to establish requirements for the endorsement of a doctoral psychologist license issued by another jurisdiction with standards equivalent to those of New York State. This would expedite the licensure process for psychologists with at least 5 years of licensed practice and no disciplinary actions in another jurisdiction(s). More importantly, it would ensure that psychologists licensed in another state, who seek to provide services in New York State, either in person or by technology, have met equivalent standards for training, experience, and examination and are subject to oversight and discipline by the Board of Regents under section 6509 of the Education Law and Part 29 of the Regents Rules.

Elimination of Obsolete Provisions. The proposed amendment also amends section 72.2 of the Commissioner’s regulations, eliminating now obsolete provisions relating to supervised experience completed by an applicant prior to January 1, 1998. The revised section 72.2 is sufficient for review of experience submitted to meet the requirements for licensure.

Related Regents Items

November 2021: [Proposed Amendment to Sections 52.10, 72.1, 72.2, 72.3, 72.4 and 72.5 of and Addition of Section 72.8 to the Regulations of the Commissioner of Education Relating to the Licensure of Psychologists](https://www.regents.nysed.gov/common/regents/files/1121ppcd1.pdf)

(<https://www.regents.nysed.gov/common/regents/files/1121ppcd1.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That sections 52.10, 72.1, 72.3, 72.4, and 72.5 of the Regulations of the Commissioner of Education be amended and section 72.8 of the Regulations of the Commissioner of Education be added, as submitted, effective March 30, 2022.

Timetable for Implementation

If adopted at the March 2022 meeting, the proposed amendment will become effective on March 30, 2022.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 202, 212, 6504, 6507, 6509, 7601, 7601-a, 7603, 7604, and 7605 of the Education Law.

1. Section 52.10 of the Regulations of the Commissioner of Education is amended, to read as follows:

Psychology.

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure which meets the requirements in section 72.1 of this Title, it shall be a doctoral degree program which shall require at least three years of full-time study or the equivalent; including seminars, tutorials, or other graduate level coursework representing two years of full-time study or the equivalent. The program shall include coursework in [scientific and professional ethics and standards of practice, and issues of cultural and ethnic diversity; and at least three graduate semester hours or five graduate quarter hours in each of the following seven substantive content areas: biological basis of behavior; cognitive-affective basis of behavior; social basis of behavior; individual differences; psychometrics; history and systems of psychology; and research design, methodology, and statistics] research, ethical and legal standards, individual and cultural diversity, professional values, attitudes and behaviors, communication and interpersonal skills, assessment and diagnosis, intervention, supervision, consultation and interprofessional/interdisciplinary skills. In addition, the program shall include one year of supervised practicum,

internship, field experience, or applied research, which is appropriate to the practice of psychology, as such practice is defined in section 7601-a of the Education Law.

2. Section 72.1 of the Regulations of the Commissioner of Education is amended, to read as follows:

Professional study of psychology.

(a) As used in this section, acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting doctoral psychology programs, having accreditation standards that are substantially equivalent to the requirements for programs leading to licensure in psychology pursuant to section 52.10 of this Title, and applying its criteria for granting accreditation of programs in a fair, consistent and nondiscriminatory manner.

(b) To meet the professional education requirement for [admission to the licensing examination] licensure as a psychologist, the applicant shall present satisfactory evidence of [a doctoral degree in psychology awarded upon completion of a doctoral program in psychology registered by the department and designated as licensure qualifying, or determined by the department to be the substantial equivalent in design, scope, content and resources to a New York State-registered program that is licensure qualifying as defined in subdivision (b) of this section.];

(1) being awarded a doctoral degree in psychology, from a program registered as leading to licensure in psychology pursuant to section 52.10 of this Title, or a doctoral degree in psychology from a program that is accredited by an acceptable accrediting agency, or a doctoral program in psychology that is determined by the department to be substantially equivalent to such a New York State-registered or accredited program that awards the doctoral degree in psychology; or

[(b) To be determined the equivalent of a New York State-registered and licensure qualifying doctoral program in psychology, a program shall be:

(1) offered by an institution accredited by an accrediting organization acceptable to the department or] (2) be awarded the doctoral degree in psychology from a program located outside the United States and its territories that is recognized by the appropriate civil authorities of the jurisdiction in which the [school] program is located as [an acceptable doctoral] a program that prepares an applicant for professional practice in psychology[;], has been verified in accordance with subdivision (c) of section 59.2 of this Title, and which is determined by the department to be substantially equivalent to a doctoral program registered pursuant to section 52.10 of this Title that awards the doctoral degree.

[(2) designed and conducted by the degree-granting institution to prepare graduates to practice professional psychology independently; and

(3) demonstrated to be substantially equivalent to the requirements for the registration of a licensure qualifying doctoral program in psychology pursuant to Part 52 of this Title. Such program shall consist of at least three years of full-time study, or the part-time equivalent thereof, including at least 30 semester hours of coursework obtained at the doctoral degree-granting institution.]

3. Section 72.2 of the Regulations of the Commissioner of Education is amended, to read as follows:

Experience.

(a) For licensure, an applicant shall present evidence satisfactory to the State Board for Psychology of two years of full-time supervised experience, or the part-time equivalent thereof, such experience to consist of 3,500 clock hours, in accordance with

the requirements of this section. [Of such two-years of experience,] No more than one year of full-time supervised experience or its equivalent, consisting of 1,750 clock hours [shall be required for admission to the licensure examination. Applicants completing the doctoral degree requirements on or after October 1, 1992, shall present evidence that at least one of such two years of required experience was gained after the date that the institution which granted the doctoral degree in psychology has determined is the date that the applicant completed all requirements for that degree.] completed as part of the internship required as part of the doctoral degree, may be submitted to meet the experience requirement. The remaining experience must be completed after receipt of the qualifying doctoral degree.

(b) . . .

(1) . . .

(2) . . .

(i) . . .

(ii) . . .

(c) Setting. For a setting to be acceptable, it shall meet the following

requirements:

(1) . . .

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) . . .

(vi) . . .

(vii) . . .

(2) The setting shall provide supervision by a qualified psychologist who is responsible for the design, coordination, integrity, and quality of the applicant's experience. The supervisor shall be the owner of, be employed by, or be a consultant to the entity in which the experience occurs[, provided that on or after January 1, 1988, a qualified consultant providing supervision shall be retained by such entity].

(3) . . .

(4) . . .

(d) Duration.

(1) Acceptable experience shall consist of a continuous experience [within periods of at least six months], except that experience in academic settings shall consist of a continuous experience within a period of not less than one semester and, in the case of teaching experience, shall consist of not less than six credit hours per semester. [The six-month periods of experience or the semesters of experience shall not be required to be immediately successive one after the other.]

(2) Full-time experience shall consist of at least 35 hours per week, and [for experience gained on or after January 1, 1998,] not more than 45 hours per week.

(3) . . .

(e) Supervision.

(1) Supervision shall be provided by a psychologist licensed in the jurisdiction where the supervised experience occurs. The supervisor shall be the owner of, be employed by, or be a consultant to the entity in which the experience occurs[, provided that on or after January 1, 1988, a qualified consultant providing supervision shall be retained by such entity]. In all settings in New York State, including an exempt setting,

as defined in section 7605(1) of the Education Law, the supervisor shall be licensed and registered to practice psychology under Article 153 of the Education Law or have qualifications satisfactory to the department, based on a review of factors which include but are not limited to: educational attainment of the supervisor and position held by the supervisor.

(2) [For experience gained prior to January 1, 1998, the following requirements shall apply:

(i) Supervision shall occur weekly in direct human service settings and shall include at least one hour per week of face-to-face individual supervision pertaining to services rendered and, for experience gained after January 1, 1988, one additional hour per week in other learning activities including face-to-face supervision, seminars, group supervision or apprenticeship activities. Supervision of part-time experience shall in no instance consist of less than one hour per week of face-to-face supervision.

(ii) Supervision in other than direct human service settings, including academic, industrial and research settings, shall comprise at least two hours biweekly in such learning activities as face-to-face individual supervision, seminars, group supervision or apprenticeship activities. Supervision of part-time experience shall in no instance consist of less than one hour biweekly.

(3) For experience [gained on or after January 1, 1998,] to be acceptable, the following requirements shall apply:

(i) For every full-time experience, supervision shall occur weekly and shall include one hour per week of face-to-face individual supervision pertaining to services rendered and one additional hour of supervision which shall be either face-to-face supervision, group supervision, seminars or workshops, or apprenticeship activities.

(ii) For every part-time experience, applicants shall have two hours of supervision within every two week period, one hour of which shall be face-to-face supervision; and one hour of which shall either be face-to-face supervision, group supervision, seminars or workshops, or apprenticeship activities.

(iii) Face-to-face supervision as used in subparagraphs (i) and (ii) of this subparagraph may utilize technology acceptable to the department, including secure video-conferencing to protect confidentiality.

4. Section 72.3 of the Regulations of the Commissioner of Education is amended, to read as follows:

Licensing examination.

(a) [Content. The licensing examination shall consist of an examination designed to test knowledge related to all areas of psychology.] Each candidate for licensure as a psychologist shall pass an examination:

[(b)The department may accept scores satisfactory to the State Board for Psychology on the examination(s) of] (1) That is offered by the Association of State and Provincial Psychology Boards, its successors, or [examination] another organization determined by the department to [be comparable in content, as meeting the requirement for passing] have satisfactory administrative and psychometric procedures in place to offer the licensing examination[.]; and

(2) That the department determines adequately tests the candidate's knowledge concerning the practice of psychology, as defined in section 7601-a of the Education Law.

[(c) Passing score. The applicant shall pass the examination with a converted score of at least 75.0 as determined by the State Board for Psychology.]

(b) Requirements for admission to the examination for licensure as a psychologist. To be admitted to the licensing examination, the candidate shall be required to:

(1) File an application for licensure with the department;

(2) Pay the fee for the initial license and the \$179 fee for the first registration period, as prescribed in the Education Law; and

(3) present satisfactory evidence of having met the education requirement for licensure as a psychologist, as prescribed in section 72.1 of this Part, including being awarded the doctoral degree in psychology.

5. Section 72.4 of the Regulations of the Commissioner of Education is amended, to read as follows:

Limited permits.

(a) The department may issue a limited permit to practice psychology at an authorized site in New York State to an applicant who has met all requirements for licensure as a psychologist, including the moral character and education requirements, except the examination and/or experience requirements, and who meets the requirements of subdivisions (b) or (c) of this section.

(b) Upon recommendation of the State Board for Psychology, the department may issue a limited permit to practice psychology to an applicant who meets the requirements of this subdivision.

(1) The applicant shall:

(i) file an application for a limited permit with the department [an application on a form provided by the department together with the statutory] and pay the prescribed fee for the limited permit;

(ii) . . .

(iii) . . .

(iv) . . .

(2) . . .

(c) Upon recommendation of the State Board for Psychology, the department may issue a limited permit to practice psychology to an applicant who meets the requirements of this subdivision.

(1) The applicant shall:

(i) file with the department an application [on a form provided by the department together with the statutory] and pay the prescribed fee for the limited permit;

(ii) . . .

(iii) [have completed all] present satisfactory evidence of having met the education requirement for licensure as a psychologist, including the doctoral dissertation, as prescribed in section 72.1 of this Part, being awarded the doctoral degree in psychology for a program that meets the professional study requirements for licensure in psychology in accordance with section 72.1 of this Part[, except that the applicant shall not be required to have actually received the degree];

(iv) [submit adequate documentation that the applicant has arranged for a supervised experience, approved pursuant to] be under the supervision of a psychologist licensed and registered to practice in New York under Article 153, pursuant to section 72.2 of this Part [, and needs the limited permit to participate in the experience. Such documentation shall identify the individual who has responsibility for supervising the applicant's experience while under the limited permit, and include a

signed statement by the supervisor certifying that he or she will provide supervision of the applicant's experience].

(2) The limited permit issued pursuant to this subdivision shall be valid for [an] a period of not more than 12 months, provided that the limited permit may be extended for no more than two additional 12 month periods at the discretion of the department upon submission of a permit application and prescribed fee for each permit provided that the time authorized by such permits shall not exceed an aggregate of [not] more than three years. Such limited permit may be [renewed] extended by the department for one additional one-year period,[provided that the applicant documents that he or she has arranged for a supervised experience, approved pursuant to section 72.2 of this Part, needs the limited permit to participate in the experience, and has good cause that prevented the applicant from meeting the experience requirement for licensure while under the original limited permit, including but not limited to, any of the following reasons: a specific physical or mental disability certified by an appropriate health care professional; or extended active duty with the Armed Forces of the United States; or other good cause which in the judgment of the department made it impossible for the applicant to complete the experience requirement for licensure while under the original limited permit] at the discretion of the department if the department determines that the permit holder has made good faith efforts to successfully complete the examination and/or experience requirements but has not passed the licensing examination or completed the experience requirement, or has other good cause as determined by the department for not completing the examination and/or experience requirement, and provided further that the time authorized by such limited permit and subsequent extension shall not exceed 48 months total.

6. Section 72.5 of the Regulations of the Commissioner of Education is amended to read as follows:

Exempt practice.

A psychologist eligible for exempt practice in accordance with section 7605([4]8) of the Education Law, shall notify the department of the time and place of such exempt practice. Acceptable notification of the department shall be submitting the form prescribed by the department and payment of a \$10 fee. The form shall identify the setting at which the psychologist will practice in New York State, which may include the use of distance technology acceptable to the department, and an affirmation that the psychologist shall comply with the laws, rules and regulations that define the practice of psychology in this State. Practice under this one-time exemption shall not exceed 10 consecutive business days or a total of 15 business days in a 90-day period.

7. The Regulations of the Commissioner of Education is amended by adding a new section 72.8, to read as follows:

Section 72.8 License by endorsement of certain psychologists.

An applicant seeking endorsement of a license in psychology issued by another state, country or territory shall present evidence of:

(a) age, the applicant shall be at least 21 years of age at the time of application;

(b) licensure by another jurisdiction with standards equivalent to New York State as determined by the department;

(c) completion and award of a doctoral degree in psychology, that at the time of completion qualified the applicant for licensure as a psychologist in the other jurisdiction;

(d) completion of supervised experience in psychology that qualified the applicant for initial licensure in the other jurisdiction;

(e) passage of an examination acceptable to the department for the practice of psychology;

(f) at least five years of experience in psychology satisfactory to the State Board for Psychology, within the 10 years immediately preceding the application for licensure by endorsement in New York State;

(g) completion of coursework in the identification and reporting of suspected child abuse and neglect or the exemption from such coursework, as specified in 6507(3) of the Education Law;

(h) good moral character as determined by the department; and

(i) acceptable licensure and discipline status in each jurisdiction in which the applicant holds a professional license.

8 NYCRR §§52.10, 72.1, 72.2, 72.3, 72.4, 72.5 and 72.8

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Proposed Rule Making in the December 1, 2021 State Register, the State Education Department received the following comments:

1. COMMENT: A state psychologist association expressed support for several of the proposed amendments, such as the use of technology for supervision and allowing outside organizations to accredit doctoral programs.

DEPARTMENT RESPONSE: The Department appreciates the supportive comments as it works to improve the public's access to mental health care, while protecting the public, by implementing the proposed rule. This rule, among other things, permits applicants with doctoral degrees in psychology from accredited programs to meet the education requirements for licensure in this State. This will also eliminate the need for individual transcript review for such applicants and expedite the processing of their licensure applications. The comment is supportive of the proposed rule; therefore, no changes are necessary.

2. COMMENT: While acknowledging the Department's concern about improving access to mental health care in this State, a state psychologist association expressed concern about the proposed rule's licensure by endorsement provisions. The association stated that it is exploring a national compact for psychology (PSY/PACT) and it urged that the Department study that plan rather than permit licensure by endorsement.

DEPARTMENT RESPONSE: The Department is reviewing various options that would expedite licensure pathways for experienced psychologists who have met similar licensure requirements in another state, including licensure compact proposals, which would require legislative enactment. Such compacts generally require each jurisdiction to use the same language and requirements for licensure, which may include different requirements to those currently required for licensure in New York. Education Law §6506(6) authorizes the Board of Regents to endorse a license issued by another state in psychology or any other profession. The proposed amendment requires 5 years of licensed practice in the other state, which exceeds the 2 years required under 8 NYCRR 59.6(b). Thus, applicants licensed by endorsement will be experienced and in good standing in the other jurisdiction. Based on the foregoing, no changes to the proposed rule are needed.

3. COMMENT: A state psychologist association is concerned that psychologists from outside of the State will not understand the needs of New York's diverse population.

DEPARTMENT RESPONSE: The proposed rule requires that applicants, for licensure by endorsement have at least 5 years of licensed practice in the other jurisdiction, which should provide a depth and breadth of knowledge and experience with different types of populations greater than that of less experienced psychologists. Licensure by endorsement simply provides an expedited licensure pathway for experienced psychologists who have met similar licensure requirements in another state and seek to practice in New York, either in person or through technology. Therefore, no changes to the proposed rule are needed.

4. COMMENT: A state psychologist association expressed concern that out-of-state psychologists would be more motivated to obtain New York licensure because of its higher insurance reimbursement rates rather than a desire to provide quality services to New Yorkers.

DEPARTMENT RESPONSE: Article 153 of the Education Law provides standards for licensure and defines the practice of the profession of psychology; it does not have any provisions relating to insurance reimbursement. Insurance reimbursement is not within the purview of the Department. Therefore, no changes to the proposed rule are needed.

5. COMMENT: A state psychologist association expressed concern about the lack of reciprocity in the proposed amendments' licensure by endorsement provisions.

DEPARTMENT RESPONSE: The Board of Regents and the Department can only define and regulate licensure requirements and practice of the professions in this State and permitting licensure by endorsement in this State does not create a reciprocal licensure by endorsement obligation on any other state. However, once licensed in New York, a psychologist must practice the profession as defined in New York law and is subject to the disciplinary authority of the Board of Regents. Therefore, no changes to the proposed rule are needed.

6. COMMENT: A state psychologist association commented that there are other steps, besides licensure by endorsement, that could address access to care, such as reimbursement parity.

DEPARTMENT RESPONSE: The comment is outside the scope of the proposed rule because the Department does not establish or have the authority to establish

insurance reimbursement policies or rates. Therefore, no changes to the proposed rule are needed.

7. COMMENT: A licensed psychologist, who expressed his support for the proposed rule's licensure by endorsement provisions, commented that he knows of no evidence that licensure by endorsement has been problematic to "home state" psychologists in other jurisdictions that allow it.

DEPARTMENT RESPONSE: The Department appreciates the supportive comment but is not in possession of evidence to refute or confirm the factual assertions therein. The comment is supportive of the proposed rule; therefore, no changes are needed.

8. COMMENT: A licensed psychologist commented that the role and function of the Department is to protect the public interest by maintaining the integrity of licensing practices and endorsement is aligned with that mission.

DEPARTMENT RESPONSE: The Department appreciates the supportive comments as it works to improve the public's access to mental health care, while protecting the public, by implementing the proposed rule which, among other things, permits licensure by endorsement. The comment is supportive of the proposed rule; therefore, no changes are needed.

9. COMMENT: A licensed psychologist identified endorsement as a positive step toward increasing the number of licensed psychologists and increasing access to care, citing his experience with endorsement in Michigan. He received that license in a week, allowing him to consult on a case in that state, adding that "Michigan got it right on endorsement and NY should, too." He disagreed with criticism of endorsement, stating that "NYSEED is getting it right and we should stand behind them."

DEPARTMENT RESPONSE: The Department appreciates the supportive comments as it works to improve the public's access to mental health care, while protecting the public, by implementing the proposed rule which, among other things, permits licensure by endorsement. The comment is supportive of the proposed rule; therefore, no changes are necessary.

10. COMMENT: The Department received numerous form letters supporting the state psychologist association in exploring a reciprocity compact for licensed psychologists.

DEPARTMENT RESPONSE: The proposed rule's licensure by endorsement provisions provides an expedited licensure pathway for experienced psychologists, who are licensed and in good standing in another jurisdiction. The Board of Regents cannot unilaterally adopt a reciprocity compact by regulatory amendment. Only the Legislature and Governor can enact or amend laws, as necessary, to adopt a compact.

Additionally, compacts generally require participating states to have identical licensure requirements and may require additional fees, background checks and/or fingerprinting, and other provisions that are not part of the licensure or proposed licensure by endorsement processes in New York. Therefore, no changes to the proposed rule are necessary.

11. COMMENT: The Department received numerous form letters supporting the state psychologist association, noting that inter-jurisdictional laws vary among states and are in a state of evolution.

DEPARTMENT RESPONSE: A psychologist licensed in New York must practice in accordance with New York laws, rules and regulations, whether or not the psychologist and patient are in the same state. New York licensees, including those

licensed by endorsement, are subject to oversight by the Board of Regents. Licensees are responsible to know the applicable laws and regulations for each jurisdiction in which they practice. Therefore, no changes to the proposed rule are necessary.

12. COMMENT: The Department received numerous form letters supporting the state psychological association, which noted the unique aspects of New York's demographics, diverse population, and culture. These form letters also indicated that out-of-state providers must be cognizant of these factors and maintain the same high level of care to New York residents. New York State psychologists, like the association, would like to preserve their high standards in any agreement that allows for inter-jurisdictional practice.

DEPARTMENT RESPONSE: The Department recognizes and celebrates the diversity of New Yorkers, including psychologists and their clients. Licensure by endorsement is not an inter-jurisdictional agreement; it is an expedited pathway for individuals already licensed by a state with similar requirements and who have, at least, 5 years of licensed practice in that jurisdiction. Licensees must be competent in the practice of the profession, which includes providing culturally sensitive and appropriate services, whether initially licensed in New York or in another jurisdiction. Therefore, no changes to the proposed rule are necessary.

13. COMMENT: The Department received numerous form letters supporting the state psychologist association, advocating for reciprocity and fairness among jurisdictions, including scope of practice and reimbursement rates.

DEPARTMENT RESPONSE: Licensure by endorsement is not an inter-jurisdictional agreement, like a compact; it does not change the laws or policies of another licensing authority in another state nor address reimbursement issues. It

provides an expedited licensure pathway for a psychologist licensed and in good standing in another jurisdiction and, once licensed, the psychologist must comply with New York laws and regulations. Therefore, no changes to the proposed rule are necessary.

14. COMMENT: A licensed psychologist, who strongly supports the proposed rule, expressed concern that excluding qualified, out-of-state applicants for licensure would be a detriment to people's urgent needs for mental health services, restricting rather than expanding the profession. Citing his extensive pro bono work with traumatized health care professionals, the commenter expressed the need for "all the help we can get" to provide mental health care.

DEPARTMENT RESPONSE: The Department appreciates the supportive comments as it works to improve the public's access to mental health care, while protecting the public, by implementing the proposed rule, which among other things, permits licensure by endorsement, which is an expedited licensure pathway for applicants who are licensed and in good standing in another jurisdiction. The comment is supportive of the proposed rule; therefore, no changes are necessary.