

Dear All,

As we prepare for the codification of the CE regulations, I thought it would be useful to share the timeline about NYSPA's internal process and discussions to date:

Timeline of Mandatory Continuing Education:

- 1) Late 2015-March 2016- A survey to the general membership goes out exploring attitudes towards MCE.
  - a. N = 608
  - b. 344 Support MCE; 264 Don't Support MCE
  - c.  $X_{(1)}^2 = 10.053, p < .01$
- 2) April 2016: Council Votes to set up an exploratory sub-committee of the Legislative Committee Chaired by Dr. Rafael Javier.
- 3) Nov. 2016: NYSPA Legislative Committee (LC) approved a resolution to charge the MCE Subcommittee with the specific task to explore the potential collaboration in drafting the proposed bill.
- 4) 2016 (not sure on the months: NYSAN proposes a MCE bill with 60 credits for every 3 year license cycle).
  - a. NYSPA chooses not to support this bill as it is more restrictive than we thought would be fair to the members.
  - b. NYSPA works to develop a more permissive bill for the members.
- 5) Feb 2017: Dr. Javier seeks input from Divisions and Regions about feedback of what should be in a proposed bill.
- 6) April 2017: Dr. Javier and the MCE sub-committee provides a summary of this feedback:
  - a. To make sure to include in the list of sources for MCE, offerings from institutions like APA and all its divisional meetings, national and international psychological associations, activities organized by institutions of higher learning (universities, etc.), training institutes of various theoretical persuasions and modalities, etc. In this context, it was suggested that the NYS Education Department accepts these professional organizations as legitimate sources of CE with no need for a separate approval process with the NYS Education Department.
  - b. In terms of what types of CE to consider, it was recommended to make sure that CE credits are allowed for any professional development activities that the professional finds relevant to his own professional development (including reading/preparation of manuscripts/book chapters, teaching of course, supervision, etc.) and that any specific content required (e.g., ethics, domestic violence, duty to protect, laws relevant to abuse prevention, issues of diversity, etc.) should be in response to a clinical need for which such content has been demonstrated to improve patient care. In this context, it was also suggested to keep in mind that requiring the same content area through different registration cycles may become more tedious than beneficial as the content of these presentations may not change much.

- c. The number of MCE credits per year should not exceed 9-12 credits a year, with courses on ethics not to exceed 6 credits. A comment was made to shape our MCE requirements after what is already established by NYSED, which only requires 12 hours per year for the other mental health professions.
  - d. Newly licensed psychologists should be exempt for about 3-5 years.
  - e. Special category should be considered for semi-retired or professionals with limited (part-time) clinical practice, with the number of MCE to be 50 percent of the total required for the rest of the profession.
  - f. To facilitate implementation among membership, it was also suggested that NYSPA invests in a computer program that could bank MCE credits from members over the years.
- 7) Nov. 2017: John Northman writes a piece to the general membership called, *“Mandatory Continuing Education: Where Are We Now, and How Did We Get Here?”*
- 8) Jan 2018: Report in the Legislative Committee:
- a. NYSAN signed on to NYSPA’s more permissive bill.
- 9) April 2018: Report from LC to Council:
- a. 9072 (Fahy) / S.7398 (Valesky)) would require psychologists to engage in 36 hours of continuing education in a three-year cycle, including three hours in ethics.
  - b. New York is now the only remaining state that does not require continuing education for psychologists.
  - c. In 2016 NYSPA became keenly aware that at any time there may be movement within the legislature to mandate CE.
  - d. In 2017 CE became a new legislative initiative.
  - e. NYSPA continues to take the lead on this issue, and the NYSPA bill now also has the support of NYSAN (New York State Association of Neuropsychologists
- 10) May 9, 2018: Dr. Davidman Posts to the listserv about the wording of NYSPA’s bill.
- a. A robust discussion ensues on the listserv.
- 11) May 15, 2018: Dr. Northman notifies the membership that was voted out of the Senate Higher Education Committee.
- a. Dr. Warshaw asks an important question about who writes the regulations?
  - b. Dr. Northman Clarifies: Many of the specifics related to some of your questions will be clarified in the regulations, which will be drafted following passage of this bill into law. You will find the regulations referenced in several places in the legislation indicated by the following language: “which meet the standards prescribed by regulations of the commissioner” and “pursuant to the regulations of the commissioner.”
- 12) June 8 2018: Dr. Price Linden notifies the membership that MCE passed the Senate as a whole.
- 13) July 2018: Dr. Northman’s end of the year report to the membership:

- a. I am very glad to write once again in this report (as I have previously in the Friday Flash and on the NYSPA listserv) that NYSPA was successful in enacting a mandatory continuing education bill for psychology.
  - b. Having passed in both houses of the legislature, the bill now awaits the governor's signature.
  - c. Unlike federal law, under which the president has 10 days in which to sign or veto a bill, the governor has until December 31 to take action. As of this writing, it is expected that the governor will sign the bill.
  - d. The new law, which will take effect in 2021, requires 36 hours of continuing education within a three-year period. Three of these hours must be in ethics.
- 14) December 2018: Dr. Northman reports that the governor signs NYSPA's more liberal bill on MCE.
- a. He notes the next steps for NYSPA:
    - i. Prior to implementation of the CE requirement in 2021, regulations need to be written.
    - ii. Based on the law, the regulations are the "fine print."
    - iii. The State Education Department has the responsibility for drafting and subsequent implementation of regulations.
    - iv. In drafting regulations, SED invites and will consider input from NYSPA.
    - v. NYSPA will certainly be actively engaged in this process. Both our lobbyist (JacksonLewis) and Director of Professional Affairs (Jerry Grodin) are well-connected with SED.
    - vi. Internally within NYSPA, the CE Subcommittee (chaired by Rafael Javier) will be turning its attention to the development of regulations and the regulatory process.
- 15) March 2019: Dr. Wiesen notes to the listserv that NYSED requiring continuing education for psychologists, effective with license renewals after January 1, 2021:
- 16) May 2019: Drs. Case, Lasky, and Warshaw express concern about what will qualify for CE and whether we should start accumulating CEs.
- a. Dr. Northman notifies the group: Final decisions concerning the regulations will be determined by the State Education Department.
- 17) Our current thread.

What I am most struck by was the care given at all steps of the process. It started with input from our members, was taken to the legislative committee, received several votes of approval from council, and information was reported back out to the members at each major step of the way.

As we move forward, it is also clear that there remain several unanswered questions. This will be hashed out in 2020. When at the table, I think it will be important to:

- 1) Not tie us exclusively to APA's perspective on the issue. My concern is that this will prejudice some of our members.
- 2) Follow the recommendations from Dr. Javier and his subcommittee.

I hope that this brings us up to where we are as a group. I have taken the liberty of attaching several messages Dr. Northman shared with the group over the past few years. As things materialize, we will continue to keep everyone aware of what is happening.

Best,

Dan

Daniel Kaplin, PhD  
2019 NYSPA President-Elect