

Psychology and NYS Government

John Northman, PhD, ABPP
Chair, NYSPA Legislative Committee

With the advent of CE, there have recently been a number of questions and comments regarding not only CE but the wider relationship between our profession and NYS government. The Q & A below aims to clarify some of these complexities.

Q.: What is the function of the State Board for Psychology?

A.: The primary function of the State Board for Psychology is to assist the Board of Regents and the State Education Department on professional licensing and professional conduct matters. Toward that end it considers matters related to the practice of the profession of psychology and makes recommendations on policy to the Board of Regents.

Q.: What is the relationship among the State Board for Psychology, the Board of Regents, and SED?

A.: The State Board for Psychology is appointed by the Board of Regents on the recommendation of the Commissioner of SED for the purpose of assisting the Board of Regents and the State Education Department on professional licensing, practice, and professional conduct matters. In practice, recommendations on policy frequently originate within the State Education Department, which may present such recommendations to the State Board for Psychology prior to their being advanced to the Board of Regents for final approval. Most recently this was the process regarding the CE regulations: They were initially proposed by SED, there followed the required 60-day period for public comment, and they were then ultimately adopted by the Board of Regents. To add an important note regarding CE, SED and professions within NYS: There are approximately 50 licensed professions within NYS, with administration residing within the Office of the Professions which is within SED.

Q.: What is the role of the Executive Secretary for the State Board for Psychology, and how is this person selected?

A.: There is an Executive Secretary for each state board, and this individual handles the administration for each of these professions. The Board Secretary for Psychology is appointed by the Board of Regents, upon the recommendation of the Commissioner of SED. For psychology, this position had been filled by Kathleen Doyle until her recent passing. Currently David Hamilton is serving in this role on an interim basis, while the Department chooses a permanent replacement. There is no set timeline for the

appointment of a permanent replacement, and this will likely be determined based on Departmental funding availability for staff, which has been incredibly limited over the past many years. While NYS law requires that the permanent Board Secretary for Psychology is a licensed NYS psychologist, this is an appointed position by the Board of Regents, recommended by the Commissioner of the Department. Unlike the Board for Psychology positions, this is a salaried position paid by the Department, meaning that the Board Secretary is an employee of the Department, and does not serve at the discretion of the Board. Further, there are no provisions allowing for input by professional associations on these positions, and staffing is a Departmental decision. If the Department posts the position for hiring, we will notify membership for any interested parties wishing to apply.

Q.: How are members of the State Board for Psychology selected?

A.: Under Statute, the Board for Psychology is required to have at least eleven members, appointed by the Board of Regents, under the recommendation of the Commissioner of SED. One of the members of the Board is required to be a public representative. Members serve 5-year terms, staggered so that as nearly as possible, an even number of board member terms terminate annually. Vacancies are appointed by the Board of Regents for the period of an unexpired term. Professional associations, including NYSPA, are permitted to nominate one or more members to the Board, but the Board of Regents is not bound by such nominations. Each professional Board is required to establish a roster of auxiliary members from candidates appointed by professional associations for appointment by the Board of Regents, with recommendation from the Commissioner of SED, to serve as members of the board solely for the purpose of disciplinary proceedings. If you have interest in serving on the Board for Psychology, please reach out to Christine Allen, NYSPA President, as we would be happy to consider putting forth NYSPA members for consideration.

Q.: If APA approved a CE sponsor, why can't that automatically be recognized by NYS, and what needs to happen to change that?

A.: Although NYSPA, two other professional associations, and many individual psychologists advocated for automatic approval of APA approved CE providers in the recently enacted continuing education regulation process, the Board of Regents and State Education Department CE regulations require approval for each individual CE sponsor. Another organization (such as APA) cannot act as a "pass through" for the approval of multiple sponsors. In order to change this approval requirement, there would need to be either regulatory or statutory changes to this requirement. As these regulations are newly enacted, with significant efforts not only from NYSPA, but other professional associations, and individual psychologists throughout the state seeking this change in the regulation, this is a heavy lift to occur on a regulatory level at this time. As many of you know, a statutory change is a significant effort, with many steps. There would need to be: language introduced that the profession approves; a sponsor

obtained in both houses of the Legislature; support from the profession as a whole calling for the need of this legislation; passage of the bill in both houses of the Legislature; the bill would then need to be signed by the Governor; and then the bill would need to be implemented by SED. All legislative agenda items approved by NYSPA first need to be approved by the Legislative Committee and NYSPA Council before they are advanced outside the Association.