

Significant Legislative Rule Analysis

WAC 246-924-046, WAC 246-924-047,
WAC 246-924-100, and WAC 246-924-480
a Rule Concerning:

Consideration of allowable coursework taken
outside of a doctoral degree program;
Clarification of Board processes in determining
and achieving licensing equivalency standards
for initial licensure, applications by
endorsement, and applications for temporary
permits.

March 21, 2016

SECTION 1:

Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

The proposed rule clarifies and provides further direction from the Examining Board of Psychology (Board) on equivalency standards between psychology licensure requirements in Washington State and those in another state or country. Equivalency standards would be addressed in the following ways:

- Applicants for initial licensure in our state would be allowed to count courses taken before their doctoral degree program provided their doctoral degree program also accepted the course(s).
- With conditions, the Board would consider accepting no more than two courses taken outside of the doctoral program to meet our state's educational requirements.
- For those applying by endorsement from another state or country (without oral examination), the rule further clarifies the process to provide documentation in the areas the Board determines not essentially equivalent to Washington's requirements, rather than outright denial of the application.
- For those applying for a temporary permit, the rule clarifies such a permit will not be issued if the Board determines the applicant's licensure requirements do not meet equivalency standards of our state.
- Professional organizations in which an applicant may prove membership to automatically meet the requirements of this chapter would be expanded from one to four. The Board may still consider additional professional organizations.

The Board has found that an increasing number of applicants are deficient in one or two courses, most commonly in the subjects of psychopharmacology and cognitive-affective basis of behavior. Doctoral psychology degree programs have numerous specializations. Students must choose an area of study such as general psychology, clinical psychology or school psychology. Each specialized program prepares individuals to assess, diagnose and counsel individuals. Requirements differ among programs, and Washington schools are very specific in terms of the individual courses need to obtain the degree.

The Board was concerned a strict interpretation of the rule would require an applicant not meeting equivalent coursework standards to obtain a second doctoral degree, which was not their intent. In March 2012 they adopted an interpretive statement to allow more flexibility in their considerations to grant licensure in Washington (WSR 12-08-020). The interpretive statement was the platform to create this rule proposal. Since by law an interpretive statement is advisory only, rule making is needed to provide clear and enforceable requirements.

SECTION 2:

Is a Significant Analysis required for this rule?

Yes. Portions of the proposal alter a qualification or standard for issuance of a license, the rules meet the definition of a legislatively significant rule as defined in RCW 34.05.328 and require a significant analysis. However, the department has determined that no significant analysis is required for the following portions of the rule:

Table A: Non-Significant Rule Identification-Reason

#	WAC Section	Section Title/Subject	Reason
1	246-924-046	Doctoral degree program.	The proposed changes provide clarification and make other general housekeeping updates without changing the intent of the rule.

The remainder of this document will focus on the proposed rules that do require a significant analysis.

SECTION 3:

Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

The general goal of chapter 18.83 RCW is to safeguard the public health, safety, and welfare through the availability of psychological services to persons in need. RCW 18.83.050 requires the Board to examine the qualifications of applicants that are applying for a license to determine which applicants are eligible for licensure. The statutory intent of both RCW 18.83.082 temporary permits and RCW 18.83.070 license without oral examination (endorsement) is to recognize a psychologist's licensure in another state or country to either allow an expedited process to obtain licensure, or to obtain a temporary permit. The proposed rules support the statutory intent by:

- Clarifying curriculum standards for courses taken outside the doctoral degree granting program;
- Clarifying provisions for temporary practice permits;
- Clarifying provisions for applying for licensure through endorsement; and
- Making general housekeeping and clarification changes.

SECTION 4:

Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

The proposed rules will achieve the authorizing statute's goals and objectives by providing up-to-date requirements that are clear, concise, and necessary to ensure patient safety.

Through its work with the Board, the Department of Health has determined that there are no feasible alternatives to rulemaking as rules are required by statute. These standards must be established in rule to be legally enforced. Failure to amend the rule will result in continued confusion and a lack of needed flexibility from the Board to more capably review and accept potential applicants into Washington State while maintaining public safety.

In March 2012 the Board adopted an interpretive statement to allow more flexibility in their considerations of courses taken outside a doctorate program to grant licensure in Washington (WSR 12-08-020). Since by law an interpretive statement is advisory only, rule making is needed to provide clear and enforceable requirements.

SECTION 5:

Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

1. WAC 246-924-047 Courses completed outside the doctoral degree granting program.

Description:

This is a new section that would allow an applicant to submit no more than two courses taken outside of their doctoral degree program to meet the doctoral degree core course requirements in WAC 246-924-046.

Currently, the rule may be interpreted to require all courses listed in WAC 246-924-046(3) be completed within the doctoral degree granting program to meet the

requirements for licensure. In some cases, a course(s) was not available during an applicant's doctoral program, either because the state or country did not offer it, or did not offer it at the time the doctorate was given.

The Board's intent under WAC 246-924-046 was not to exempt qualified applicants from licensure, but to ensure only qualified applicants were licensed. The Board adopted an interpretive policy statement regarding coursework completed outside the doctoral degree granting program (WSR 12-08-020). This was the foundation for the creation of this new WAC section.

The proposed rule requires applicants to meet the following criteria before the Board would consider accepting a core course(s) taken outside of a doctoral degree program:

- a) Completion of all of the other doctoral requirements listed in WAC 246-924-046, such as 40 semester or 60 quarter credits, one year in residency, a dissertation that is psychological in nature, an organized practicum, and three years full-time graduate study.
- b) The doctoral degree was still granted at the time without the course(s).
- c) The course(s) was taken for credit from a regionally accredited graduate program in psychology. Regional accreditation ensures that an institution's academic program meets acceptable levels of quality.
- d) The course(s) was documented on an official transcript.

Cost/Benefit Analysis:

The cost of the applicant taking the additional two courses averages about \$3000-\$5500 per Western Washington University or University of Washington. If the Board does not clarify that courses may be taken outside the doctoral degree granting program, then applicant would be required to obtain a second doctoral degree. The cost of obtaining a second doctoral degree can range from \$60,000 to \$85,000. The benefit of the proposed rule is that it creates a clear pathway for qualified psychologists to be credentialed much sooner by completing two courses instead of going through a second doctoral degree program.

2. WAC 246-924-100 Qualifications for granting of license by endorsement.

Description:

The board believes the current rule is outdated and doesn't provide the clarity needed for applicants or staff reviewing the applications. This section would be amended to create clarity and consistency in the review of applicants applying from another state or country.

The following changes are proposed to reemphasize some requirements in statute as well as provide further direction to the applicant applying by endorsement from another state or country (without an oral exam):

- a. The degree must have a *primary emphasis* in psychology. The term “primary emphasis” is taken directly out of the statute. The board believes it is important to clarify what the degree must include because we are relying on another state to validate the experience requirements.
- b. The applicant must document that he or she has been credentialed in another state or country for at least two years. An applicant can also meet this requirement if they are a member of a professional organization as described in subsection 3 of this WAC section.
- c. The applicant must document that he or she has an active credential as a psychologist in another state or country deemed by the board as essentially equivalent (or, again, be a member of an organization described in subsection 3 of this WAC section).
- d. Documents submitted in a foreign language must include an English translation. The requirement gives the applicant notice that all translations are their responsibility and they must incur the costs associated with the translation.
- e. If the Board determines an applicant’s credentialing requirements are not essentially equivalent to Washington’s, the applicant will have the opportunity to provide further documentation. The applicant may be provided due process under the Uniform Disciplinary Act (chapter 18.130 RCW). The Board added this for clarity for the applicant and consistency within the Board’s own process.
- f. Lists the professional associations the board has deemed as equivalent in order to qualify for licensure. The board believes that this list should be included in rule and is not concerned about the validity of these organizations.

Cost/Benefit Analysis:

The department estimates the cost of translating an application into English ranges from twelve to 28 cents per word depending on the language translated and available vendors¹. The types and lengths credential, education or other documents needing translation for each foreign applicant may vary greatly, so no standard estimate is possible. There is no cost associated with the remaining portion of the rule. The benefit is clarity and consistency in the review process of applicants applying from another state or country.

3. WAC 246-924-480 Temporary Permits.

Description:

The proposed rule would not create additional requirements, but clarify the current process, consistent with RCW 18.83.170, the department and board use to issue temporary permits.

Cost/Benefit Analysis:

The benefit of the rule is that it clearly identifies how an applicant can obtain a temporary permit. There are no costs to obtain the temporary permit, other than the opportunity costs of time spent completing a temporary permit application.

¹ State of Washington Contract No.04312 Translation Services (Written Word). Also [ProZ.com Translation Workplace](#) costs per word to translate various languages into English.

Cost/Benefit Summary - After considering the factors above, analysis indicates that the total probable benefit of the proposed rule exceed the total probable costs.

SECTION 6:

Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

The Board discussed the number of courses allowed to be completed outside the doctoral degree granting program. They determined that the doctoral degree currently had to be obtained with a primary emphasis on psychology. They determined that a program granting a degree lacking more than two courses meeting Washington’s equivalency standards does not have a primary emphasis in psychology.

Not revising the rules would leave applicants who do not have all of the required coursework without clear and complete information about how to meet licensure requirements. Also, since the Board’s interpretive statement adopted in 2012 is advisory only, it cannot provide an enforceable standard.

The proposed rule is the only option to achieve alternate credentialing requirements and is the least burdensome option. It provides clear, current, educational requirements that must be met to obtain licensure in the state of Washington.

SECTION 7:

Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

SECTION 8:

Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

SECTION 9:

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

There are no applicable federal statutes or regulations that apply to this subject matter.

SECTION 10:

Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

There are no other applicable laws.