

STANDING ORDER

SUBSTANTIVE WAIVERS ISSUED UNDER PSYC 210.01(g) DURING THE COVID-19 PANDEMIC

Pursuant to Psyc 210.01, the Board of Psychologists may waive substantive provisions of its rules either upon request from an interested person which meets the requirements of Psyc 210.01(b) or upon its own motion under Psyc 210.01(g). If the Board does act to waive a rule on its own motion, the board has to make an affirmative finding that: (1) adherence to the rule would cause individuals undue personal hardship; (2) there was no neglect or misfeasance on the part of the individuals affected by the waiver; (3) waiver of the rule would be consistent with the statutes administered by the Board, and (4) waiver of the rule would not injure third persons.

On April 3, 2020, the Board made the decision to issue the following waivers in light of the COVID-19 pandemic:

1. The Board has voted to temporarily waive the requirements in Psyc 402.02(b) and (d), which specify that 30 of the 40 required hours of Continuing Education shall be Category A and no more than 10 hours can be from Category B. Licensees will instead be allowed to obtain the 40 hours of continuing education in any category, so long as they still receive 6 hours of ethics from Category A. See Psyc 402.02(c). This waiver shall remain in effect for the duration of the State of Emergency.

2. The Board has also voted to temporarily waive the face-to-face requirement in Psyc 302.04(c)(7) (Internship). This rule specifies that internship programs that do not meet the accreditation requirement of (b) “shall include a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with a staff member that directly evaluates the health services rendered directly to patients by the intern.” (emphasis added). During the time this temporary waiver is in place, applicants will not be required to obtain the 2 hours of supervision face-to-face but are still required to meet all hours needed for supervision via either audio or video conferencing. This waiver shall remain in effect for the duration of the State of Emergency.

3. The Board has voted to temporarily waive the face-to-face requirement in Psyc 302.05(a)(2) (Post-Doctoral Supervision). This rule specifies that the second year of supervised

experience “shall, at a minimum consist of one hour per week, and not less than 50 total hours, of face-to-face individual clinical supervision of the applicant’s direct health service in psychology provided to individuals or groups of patients.” (emphasis added). During the time this temporary waiver is in place, applicants will not be required to obtain the 2 hours of post-doctoral supervision face-to-face but are still required to meet all hours needed for supervision via either audio or video conferencing. This waiver shall remain in effect for the duration of the emergency.

Adherence to these rules would cause individuals personal hardship because the state, the nation, and in fact the world, are in the midst of the COVID-19 pandemic, which has killed thousands and sickened tens of thousands worldwide. One of the main ways to combat this pandemic has been social distancing. The Board finds that adherence to the face-to-face requirements in Psyc 302.04(c)(7) and Psyc 302.05(a)(2) and the continuing education requirements in Psyc 402.02(b) and (d) would create a personal hardship because it would require individuals to break social distancing, which can lead to the spread of COVID-19.

Likewise, the Board finds the remaining requirements for waiving a rule have been met. There has been no neglect or misfeasance on the part of individuals affected by the waiver; the waiver is necessary because of an ongoing global pandemic. These waivers do not in substance change the Board’s continuing education and supervision requirements and are consistent with the statutes administered by the Board. Lastly, waiver of these rules would not injure any third persons, and in fact will work to slow the spread of COVID-19.

This Standing Order and the waivers contained herein was voted on by the Board at its April 3, 2020 meeting.

By Order of the Board,

Date: 4/15/2020


Board Chair